

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TIMOTHY JACKSON,

Plaintiff,

VS.

LAURA WRIGHT, ET AL.,

Defendants.

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CASE NO. 4:21-CV-00033-ALM

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ORAL AND VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
JENNIFER COWLEY  
SEPTEMBER 26, 2024

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ORAL AND VIDEOTAPED VIDEOCONFERENCE  
DEPOSITION of JENNIFER COWLEY, produced at the instance  
of the Plaintiff, and duly sworn, was taken in the  
above-styled and numbered cause on the 26th day of  
September, 2024, from 9:04 a.m. to 2:58 p.m., before  
Carla A. Sims, AAS, CSR, RPR, in and for the State of  
Texas, reported by method of machine shorthand, via Zoom  
videoconference, pursuant to the Federal Texas Rules of  
Civil Procedure and the provisions stated on the record  
or attached hereto.

A P P E A R A N C E S

ALL PARTIES AND WITNESS APPEARED VIA  
ZOOM VIDEOCONFERENCE

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## REPORTER'S NOTE

Please note that due to the quality of the transmission data for a Zoom videoconference, cross-talk causes audio distortion in the testimony when preparing a videoconference transcript.

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1 P R O C E E D I N G S

2 (Time 9:04 a.m.)

3 VIDEOGRAPHER: Today is September 26th,  
4 2024. The time is 9:04 a.m. Central. We're on the  
5 record.

6 (The witness was sworn)

7 MR. ALLEN: Do you want the attorneys to  
8 all state their name for the record?

9 COURT REPORTER: That would be fine.

10 MR. ALLEN: This is Michael Thad Allen for  
11 the Plaintiff Timothy Jackson.

12 MS. QUIMBY: This is Mary Quimby,  
13 Assistant Attorney General with the Texas Attorney  
14 General's Office. I represent the defendants in this  
15 matter and Jennifer Cowley in this deposition.

16 MR. STOWERS: Renaldo Stowers, Deputy  
17 General Counsel for the University of North Texas System.

18 MR. BOSEMAN: Shelby Boseman, Chief Legal  
19 Officer at the University of Texas at Arlington.

20 JENNIFER COWLEY,  
21 having been first duly sworn, testified as follows:

22 EXAMINATION

23 BY MR. ALLEN:

24 Q. Thank you, President Cowley. As you just  
25 heard, I represent Timothy Jackson in this case. Thank

1 you for attending the deposition today. Could I just ask  
2 you to state your name for the record, please.

3 A. It's Jennifer Cowley, and last name is spelled  
4 C-o-w-l-e-y.

5 Q. So just as a preliminary matter, I just wanted  
6 to go over some of the so-called rules of the road in a  
7 deposition. Have you ever been deposed before?

8 A. I have.

9 Q. When were you deposed?

10 A. I don't recall the exact year. Around 2018 or  
11 2019.

12 Q. What was the matter in which you were deposed?  
13 The case, legal matter?

14 A. It was a legal matter related to the University  
15 of North Texas.

16 Q. Can you identify the case?

17 A. I would not be able to give you a case number.

18 Q. Do you know the parties?

19 A. I recall generally the nature of the matter but  
20 wouldn't be able to give you the exact names. That would  
21 be -- have to be something to look up.

22 Q. Was the University of North Texas being sued?

23 A. Yes.

24 Q. Was the University of North Texas being sued by  
25 one of its own employees?

1 A. Yes.

2 Q. You don't recall the name of that employee?

3 A. I don't remember their exact name.

4 Q. If you don't remember their exact name, do you  
5 know the name and as much as you can remember?

6 A. They were an employee in the College of  
7 Engineering.

8 Q. What was the nature of the suit? And I'm just  
9 asking for your -- I'm sorry. I'm just asking for your  
10 understanding, not, you know, the legal definition. But  
11 do you understand the -- give me your understanding,  
12 please, of the nature of the suit.

13 A. It was a personnel related lawsuit.

14 Q. When you say that, personnel related, what do  
15 you mean?

16 A. Related to work conditions.

17 Q. Was it a discrimination suit?

18 A. Discrimination was one of the accusations by  
19 the plaintiff.

20 Q. On the basis of what?

21 A. I believe it was on the basis of national  
22 origin.

23 Q. What was the professor's national -- or excuse  
24 me. Strike that, please.

25 What was the employee's national origin, if you

1 recall.

2 A. I don't recall their exact national origin.

3 Q. And the employee we're talking about, just  
4 remind me, was the plaintiff or a witness?

5 A. Can you repeat the question?

6 Q. The employee in this case that you -- we've  
7 been talking about, this was the plaintiff in the case?

8 A. Correct.

9 Q. Okay. So you've mentioned this case in 2018,  
10 2019 in which you testified. Were there any other  
11 depositions that you gave in your -- in the past?  
12 Excuse me.

13 A. No.

14 Q. Well, since you've been deposed before, some of  
15 the things I'll say now are probably -- are things that  
16 you heard about in your first deposition back in 2018 or  
17 2019. And some of the problems I think we've already  
18 encountered, but we'll just go over these rules or  
19 instructions, if you will.

20 First I'm going to ask you a question. Is  
21 there anything that would prevent you from testifying  
22 truthfully today?

23 A. No, there is not.

24 Q. You're not on any medications?

25 A. No medications.



1 Q. You're not suffering from an illness or a  
2 mental condition that would impair your memory or ability  
3 to testify?

4 A. No.

5 Q. One thing that may happen from time to time  
6 today is your attorney will object. That's part of  
7 creating a record for the court. It does not relieve you  
8 of the obligation to answer the question truthfully. Is  
9 that understood?

10 A. Yes.

11 Q. There are some few exceptions. They will be  
12 very clear if they come up because your attorney will  
13 instruct you not to answer a question. But those are --  
14 usually doesn't come up, but if it does, trust me. It  
15 will be very clear.

16 If you don't understand a question or you want  
17 clarification of a question that I ask, please interrupt  
18 me at any time. That's perfectly normal. It's probably  
19 because I posed an unclear question. And I want you to  
20 be able to answer the question clearly as well. Is that  
21 clear?

22 A. Yes.

23 Q. By the same token, if you do not ask for  
24 clarification of a question, I'll understand from that  
25 that you comprehend the question as asked. Is that

1 understood?

2 A. Yes.

3 Q. Can you explain for the court what you did to  
4 prepare for today's deposition but with one exception.  
5 I'm not going to ask you what your attorneys and you  
6 discussed in terms of legal advice.

7 Although it is not privileged to state that you  
8 met with your attorney, I'm not going to ask what they  
9 said. So with that as a caveat, let me rephrase the  
10 question. Can you explain what you have done to prepare  
11 for today's deposition?

12 A. For today's deposition I reviewed the Ad Hoc  
13 Review Panel Report that was prepared.

14 Q. Did you review any other documents?

15 A. I did not.

16 Q. And I think we'll get to this, but you're  
17 referring to the Ad Hoc Panel Report that was issued on  
18 November 25th, 2020?

19 A. Correct.

20 Q. Okay. You didn't review any of your  
21 correspondence?

22 A. I did not.

23 Q. Did you speak to anyone in preparation for your  
24 deposition today?

25 A. Only legal counsel.

1 Q. By legal counsel, do you mean Mary Quimby?

2 A. Correct.

3 Q. Did you also speak with Renaldo Stowers?

4 A. I did.

5 Q. And approximately how long did you meet with  
6 your attorneys?

7 A. An hour or an hour and a half in total.

8 Q. Was the University of Texas Arlington counsel,  
9 I believe Shelby Boseman, in attendance?

10 A. He was.

11 Q. Any other attorneys in attendance during your  
12 preparation?

13 A. There was one other, Ben. I'm sorry. I don't  
14 remember Ben's last name.

15 Q. If I said Walton, would that refresh your  
16 memory?

17 A. Yes. That sounds correct.

18 Q. We probably know Ben Walton better than you do  
19 by now.

20 A. I'm sure.

21 Q. And all of these attorneys are employed by the  
22 State of Texas in one capacity or another?

23 A. Correct.

24 Q. To the best of your knowledge, they're all paid  
25 for by the taxpayers of Texas?

1           A.     I couldn't speak to the source of funding for  
2 any individual position.

3           Q.     Are you aware of any private funding for the  
4 defense of this lawsuit?

5           A.     I am not.

6           Q.     I want to ask you now about your career and  
7 qualifications as a kind of introductory part of our  
8 deposition. But the first question I guess I want to ask  
9 is you were provost in 2020 at the University of North  
10 Texas, right?

11          A.     That's correct.

12          Q.     And at some time between now and then, you left  
13 the University of North Texas, right?

14          A.     Correct.

15          Q.     Can you state for the record when you left the  
16 University of North Texas and why?

17          A.     I left in the year of 2022 to become the  
18 President at the University of Texas at Arlington.

19          Q.     Is the University of Texas at Arlington a  
20 different university system from the University of North  
21 Texas?

22          A.     It is. That's correct. It's a different  
23 system.

24          Q.     And so just to sum up, they're freestanding  
25 university systems, correct?

1 A. Correct.

2 Q. Since you left in 2022, you were aware of this  
3 lawsuit at the time you departed for the University of  
4 Texas at Arlington, right?

5 A. Correct.

6 Q. Okay. Can you briefly describe your  
7 educational career? By that I mean the degrees you've  
8 earned, what schools you attended, when you graduated  
9 starting with your undergraduate degree to the present?

10 A. Sure. I received a Bachelor of Science in  
11 Political Science from Texas A&M in 1994, a Master's of  
12 Urban Planning degree from Texas A&M University in 1996,  
13 a Master's of Public Administration degree from the  
14 University of North Texas in 1997, a Ph.D. degree from  
15 Texas A&M University in 2000.

16 And then later, I believe it was in 2020, a  
17 Master's of Interdisciplinary Studies degree from the  
18 University of North Texas.

19 Q. I think you mentioned a Ph.D. at Texas A&M  
20 University, right?

21 A. That's correct.

22 Q. What was that in?

23 A. It was in Urban and Regional Science.

24 And I'm going to ask for just a very brief  
25 pause so I can shut a door. There is some noise in the

1 backgrounded that I'd like to shut out if that's okay.

2 Q. Before you go, if you want a break at any  
3 time -- I should have said this -- feel free to ask.  
4 This is appropriate obviously but if you need -- you  
5 know, obviously yes. So do we need to go off the record,  
6 or it's just on the other side of the room or whatnot?

7 A. It's on the other side of the room. I'll be  
8 back in 30 seconds, I think.

9 Q. Okay. Yeah. That's fine.

10 A. Okay.

11 Q. Thank you. So let me see if I've got this  
12 right. You had a poli-sci degree from Texas A&M, your  
13 undergraduate degree, in 1994?

14 A. That's correct.

15 Q. And that was a BS?

16 A. Correct.

17 Q. Then you went on to get a Master's Degree in  
18 Urban Planning in 1996?

19 A. That's correct.

20 Q. Did I hear rightly that was also at Texas A&M?

21 A. Correct.

22 Q. Then immediately thereafter, you got a Master's  
23 in Public Administration but this time from the  
24 University of North Texas, right?

25 A. That's correct.

1 Q. You finished that degree in 1997.

2 A. Yes.

3 Q. Then you went to the Ph.D. in Urban and  
4 Regional Science. Is that what it was?

5 A. That's correct.

6 Q. And that was also at Texas A&M?

7 A. That's correct.

8 Q. You got -- earned that degree in 2000?

9 A. That's correct.

10 Q. Did you go directly from the Public  
11 Administration program at the University of North Texas  
12 after graduation into the Ph.D. program?

13 A. I did not. I worked professionally as a city  
14 planner for the City of Amarillo for a brief time before  
15 I returned to get my Ph.D.

16 Q. Okay. So you were not in academia at that  
17 time?

18 A. At what time?

19 Q. In that period between earning the 1997 Public  
20 Administration Degree and returning for your Ph.D.

21 A. Correct. In 1997 I was employed by the City of  
22 Amarillo.

23 Q. So then there was about a 20 year period  
24 between the Ph.D. and your return to get a Master's in  
25 Interdisciplinary Studies?

1 A. Correct.

2 Q. And that last degree was earned at the  
3 University of North Texas?

4 A. That's correct.

5 Q. And I assume but I'm going to ask was that  
6 while you were also working as the provost for the  
7 University of North Texas?

8 A. That's correct.

9 Q. Okay. Thank you. So some of this you've now  
10 just answered, but can you describe your professional  
11 career in academia starting with your first job and up  
12 through the present?

13 A. Correct. I worked as a research scientist for  
14 Texas A&M University. And then I went to Ohio State  
15 University where I served as a faculty member moving from  
16 the rank of assistant professor up to full professor.

17 I served in a variety of administrative roles  
18 including as the Head of the City and Regional Planning  
19 Program, Associate Dean of the College of Engineering,  
20 Vice Provost in the Office of the Provost of Ohio State  
21 University.

22 I then left Ohio State University in 2017 to go  
23 to the University of North Texas to become the provost  
24 where I served for approximately five years before moving  
25 to the University of Texas at Arlington in 2022 to become



1 the president.

2 Q. So when -- when did you enter the faculty at  
3 Ohio State? What year?

4 A. 2001.

5 Q. And you were a faculty in what department?

6 A. City and Regional Planning.

7 Q. Was that in the Engineering School?

8 A. It was in the School of Architecture which is  
9 in the College of Engineering.

10 Q. Thank you. And then you became an associate  
11 dean, correct?

12 A. After I was the Head of the City Planning  
13 Program, I became the Associate Dean.

14 Q. And remind me. Associate Dean of what?

15 A. Academic Affairs.

16 Q. And when did you assume that position?

17 A. I believe it was around 2011.

18 Q. And then you became the Vice Provost at the  
19 Ohio State University?

20 A. Yes.

21 Q. When did you become the -- excuse me -- Vice  
22 Provost?

23 A. 2014.

24 Q. What were your duties as Vice Provost?

25 A. I had a range of duties that included capital

1 planning for the university as well as responsibility for  
2 the regional campuses of the university.

3 Q. Does capital planning mean overseeing  
4 construction of new building, investment in  
5 infrastructure, things like that?

6 A. Correct. Just to clarify, it would be the  
7 planning for those new facilities.

8 Q. Thank you. When you took the job at the  
9 University of Texas Arlington as president, did you  
10 consider that a promotion or an advancement? Let's say  
11 an advancement in your career?

12 A. It was an advancement opportunity.

13 Q. Did you receive that advancement opportunity  
14 based in part on your track record at the University of  
15 North Texas as a provost?

16 MS. QUIMBY: Objection, form.

17 You can answer.

18 A. You would have to ask the Board of Regents why  
19 they chose to hire me, but I think it is reasonable that  
20 my track record was a reason for selection.

21 Q. (By Mr. Allen) Thank you. And I'm assuming you  
22 did extensive interviews for that job?

23 A. Correct.

24 Q. Did they ask you about your experience and  
25 accomplishments as the Provost of the University of North

1 Texas?

2 A. Correct.

3 Q. Extensively?

4 A. In the interviews, I pulled from the range of  
5 experiences across my career at both the University of  
6 North Texas and Ohio State University.

7 Q. Did you discuss this lawsuit with anyone at the  
8 University of Texas Arlington during the interview  
9 process?

10 A. I disclosed any legal matters with the Vice  
11 Chancellor of Academic Affairs prior to my hiring.

12 Q. Did you just disclose it, or was it also  
13 discussed?

14 A. I believe the vice chancellor asked a couple of  
15 questions regarding the nature of the matters.

16 Q. What did you tell him?

17 A. I described the basics of the case, that there  
18 was pending litigation and the basic nature.

19 Q. Well, why don't you state for the record what  
20 you understand the basic nature of the case to be and  
21 what parts of that you discussed with the people at  
22 University of Texas Arlington?

23 MS. QUIMBY: Objection, form.

24 You can answer.

25 A. I explained that it was a matter involving a

1 faculty member who raised concerns about the way that his  
2 journal was handled. And I believe that at the time, I  
3 shared an example news article that described the basic  
4 nature of Dr. Jackson's arguments.

5 Q. (By Mr. Allen) Which news article are you  
6 referring to?

7 A. I believe I shared the New York Times article  
8 on the matter.

9 Q. And if you remember, is that the article by  
10 Michael Powell, the journalist Michael Powell?

11 A. I have no recollection of who the author is.

12 Q. Did you discuss the allegations that Professor  
13 Jackson was making concerning the infringement of his  
14 First Amendment rights?

15 MS. QUIMBY: Objection, form.

16 You can answer.

17 A. I did state that this was a First Amendment  
18 case.

19 Q. (By Mr. Allen) Did you discuss with people at  
20 the University of Texas Arlington that the journal  
21 Professor Jackson has published has been prevented from  
22 further publication by the University of North Texas?

23 MS. QUIMBY: Objection, form.

24 You can answer.

25 A. We did not discuss any details. I did share

1 with Shelby Boseman pending litigation, but that's the  
2 only person I had any discussion with.

3 Q. (By Mr. Allen) And I'm sorry. I should have  
4 said that. He didn't object or I'm assuming those were  
5 not privileged conversations because I'm not asking about  
6 it since he's counsel. But that was during your  
7 interview?

8 A. No. That was after -- Shelby Boseman was not  
9 involved in my interview process.

10 Q. Okay.

11 A. It was after I started at UTA.

12 Q. Okay. But in your interview process, it was  
13 not discussed that the Journal of Schenkerian Studies,  
14 which is the journal in question, had ceased publication?

15 A. There was no detailed conversations about the  
16 Journal of Schenkerian Studies or Dr. Jackson. I simply  
17 disclosed that there was pending litigation.

18 Q. Now, I understand you said before, you're not  
19 aware of whether or not the Texas taxpayers pay the four  
20 attorneys who are here attending your deposition. But  
21 they do -- you do know that the university -- excuse me.  
22 That your salary is paid by the Texas taxpayers, right?

23 MS. QUIMBY: Objection, form.

24 You can answer.

25 A. My salary is in part paid by the taxpayers and

1 in part paid by tuition dollars of students who attend  
2 the University of Texas at Arlington.

3 Q. (By Mr. Allen) That they pay to the state,  
4 right?

5 MS. QUIMBY: Objection, form.

6 A. The students pay those dollars directly to the  
7 university. The university is a state institution.

8 Q. (By Mr. Allen) Thank you. Would you answer the  
9 same if I asked you about your salary when you were the  
10 Provost of the University of North Texas?

11 A. It would be a similar answer, yes.

12 Q. And the University of North Texas is also a  
13 state institution, right?

14 A. That's correct. It's a state supported  
15 institution.

16 Q. I assume over the course of your academic  
17 career, going back to that, that you've published  
18 scholarship?

19 A. Correct.

20 Q. And I understand these are very different  
21 fields from the field of music theory. Can you explain  
22 for the record how many publications you have?

23 A. I couldn't tell you an exact number. It's many  
24 publications, many journal publications and other forms  
25 of publications.

1 Q. Sure. Well, let's start with journal  
2 publications. And I understand that you may not know the  
3 exact number. That's perfectly normal. But could you  
4 just state for the record approximately how many journal  
5 articles you've published in academic journals?

6 A. I'll say as an order of magnitude, maybe 40  
7 journal articles.

8 Q. And when you said other forms of publications,  
9 have you published chapters in academic books?

10 A. Yes.

11 Q. About how many?

12 A. Maybe half a dozen.

13 Q. Have you published any academic books?

14 A. I have.

15 Q. How many?

16 A. I've served as the editor for a couple of  
17 volumes, maybe four.

18 Q. And you know as the provost and president of an  
19 academic institution what a monograph refers to, right?

20 A. Yes.

21 Q. Can you state for the record what academics  
22 mean when they say a monograph?

23 A. A common word would be book that one has  
24 published and written themselves or with coauthors.

25 Q. Okay. So have you published any monographs?

1           A.     I have not.

2           Q.     As opposed to an edited volume of -- it's  
3 loosely -- a monograph is usually a book that addresses a  
4 specific scholarly subject and coherently by the single  
5 author, right?

6           A.     Correct. With other authors.

7           Q.     Right. And obviously could coauthor. But  
8 we're not talking about a collection of different essays  
9 addressing -- addressing different topics, right?

10          A.     Correct.

11          Q.     And so I only ask that because I think most  
12 people who aren't in the world of academia, don't -- you  
13 know, they don't just go to the book store and buy a  
14 quote "monograph." So now that that's cleared, did I ask  
15 if you've published a monograph?

16          A.     I have not published a monograph.

17          Q.     Okay. And now, of course, it's obviously an  
18 extensive publication record which is unsurprising for  
19 someone who's achieved what you have. Have you ever  
20 published articles that were not peer reviewed?

21          A.     I have.

22          Q.     And again I'm not asking for an exact number on  
23 the dot, but approximately how many were not peer  
24 reviewed?

25          A.     I'll offer some clarification. So I



1 believe --

2 Q. Sure.

3 A. -- one was published in a journal. I have many  
4 that were published for professional publications such as  
5 magazines.

6 Q. I was just going to ask what do you mean by  
7 professional publications?

8 A. For example, professional magazines, news  
9 letters, things of that nature that are published by  
10 professional societies. You know, my discipline of city  
11 planning, there are people who are city planners that  
12 practice professionally, and so it's writing to that  
13 professional practice audience.

14 Q. And so I -- I mean, in a way law school is the  
15 same way, right, but at different. So you -- I'm just  
16 trying to get a handle on this. Do academics also turn  
17 to professional publications as a source of scholarship?

18 A. Depending on their discipline.

19 Q. Well, in your discipline.

20 A. In my discipline of city planning, it would be  
21 common to write both for a scholarly audience as well as  
22 to have publications for a professional audience. And  
23 they would publish in a wide range of outlets, for  
24 example, law journals, city planning journals, history  
25 journals. It would range depending on their

1 specialization.

2 Q. And so you -- what you're describing as  
3 professional publications are certainly considered  
4 sources of scholarship among academics in your field.

5 A. It would be the application of scholarship to  
6 the professional field so a translation of scholarly work  
7 to a professional audience.

8 Q. And approximately how many of these  
9 publications have you published that were professional  
10 publications, as you characterized it?

11 A. Many.

12 Q. And when we discussed your journal articles,  
13 the articles you've had in academic books and the edited  
14 volumes, you weren't including these publications  
15 earlier?

16 A. Correct.

17 Q. Okay. So about how many of these publications,  
18 which are many, I understand that. Can you just give me  
19 a ballpark?

20 A. If you include technical reports, magazine  
21 articles, news letter publications, all of that, 50 plus.

22 Q. And the one publication in a journal, which was  
23 that? Do you know the -- it seemed like you had a  
24 specific publication in mind. So if that might be one  
25 that you actually know the title of, would you state that

1 for the record?

2 A. You know, I'm not positive the name of the  
3 journal, but it was -- the publisher was the University  
4 of Southern Mississippi.

5 Q. When you edited the four volumes of books,  
6 explain the peer review process for those four edited  
7 volumes.

8 A. The proposals for articles were peer reviewed,  
9 as I recall, and then the articles were submitted for  
10 those books. So we selected which chapter -- which ideas  
11 would be the best ideas to include in the book, and then  
12 it went through an editorial review process in the  
13 creation of those volumes.

14 Q. What were the presses involved, if you  
15 remember?

16 A. Ohio State University was one of the presses.  
17 I would have to look at my CV to review further.

18 Q. Okay. And this one journal article that you  
19 published that was not peer reviewed, were you ever  
20 accused of becoming a racist because you published a  
21 non-peer reviewed article?

22 MS. QUIMBY: Objection, form.

23 A. No one has reached out to me about that article  
24 that I happened to publish. I should also clarify that I  
25 have -- while I was thinking of that specific article, I

1 have also published a small number of law review articles  
2 as well.

3 Q. (By Mr. Allen) Can you explain for the court  
4 the difference in the review process for law reviews  
5 compared to many other mainstream academic journals?

6 A. I'm not an attorney that runs a law review, so  
7 I can't speak to a high degree of specificity. But  
8 generally speaking, law reviews have a high degree of  
9 engagement with students in the review process compared  
10 to a journal that goes through peer review with scholars  
11 in their field.

12 Q. It's common for law reviews to be edited by  
13 students, correct?

14 MS. QUIMBY: Objection, form.

15 A. It absolutely can. Sorry. It is entirely  
16 possible for a law review to have student editorial.

17 Q. (By Mr. Allen) To your knowledge, were the law  
18 reviews you published in edited by students?

19 A. I don't have that information.

20 Q. Do you know what the law reviews are you  
21 published in?

22 A. I would have to look at my CV, but I believe  
23 one of them was out of Tulane. I don't recall the other  
24 what you --

25 Q. And certainly no one ever said you were less of

1 a scholar for publishing --

2 MS. QUIMBY: I'm sorry. Is she frozen?

3 MR. ALLEN: I'm sorry. She looks frozen.

4 Excuse me.

5 MS. QUIMBY: Yeah. It's okay.

6 VIDEOGRAPHER: Off the record, 9:36.

7 MS. QUIMBY: Can we go off the record?

8 (Recess taken from 9:36 to 9:38)

9 VIDEOGRAPHER: The time is 9:38. We're on  
10 the record.

11 Q. (By Mr. Allen) President Cowley, you've never  
12 been criticized for publishing --

13 VIDEOGRAPHER: We lost her again.

14 THE WITNESS: No. I'm here. I can -- I  
15 can see you. Can you hear me?

16 VIDEOGRAPHER: Hold on one second.

17 (Discussion off the record)

18 VIDEOGRAPHER: All right. Good to go.  
19 Thank you. Sorry about that.

20 MR. ALLEN: May we proceed? Thank you.

21 Q. (By Mr. Allen) So my apologies, President  
22 Cowley. So my question -- just following up on your  
23 publication and law reviews. And you had said you had  
24 personal knowledge that at least the Tulane law review  
25 was edited by a student?

1           A.     I did not say that. I said that I know that a  
2 publication in a law review. I believed it was out of  
3 Tulane.

4           Q.     And you've never been criticized for publishing  
5 in a student run journal if the law reviews were student  
6 run?

7           A.     The evaluation of my record is based on the  
8 quality of the publications and the extent to which  
9 people use those publications to further their own  
10 scholarship.

11          Q.     Not whether it was peer reviewed or not?

12                   MS. QUIMBY: Objection, form.

13                   Go ahead.

14          A.     In my discipline, there would be an expectation  
15 of peer review as a significant component of the overall  
16 scholarly work.

17          Q.     (By Mr. Allen) I understand but my question was  
18 different. My question was you've never been criticized  
19 for publishing a non-peer reviewed article, have you?

20                   MS. QUIMBY: Objection, form.

21                   Go ahead.

22          A.     My scholarly record has not been criticized.

23          Q.     (By Mr. Allen) And to your knowledge, you've  
24 never been criticized for publishing in a student run  
25 journal?

1 MS. QUIMBY: Objection, form.

2 Go ahead.

3 A. I will note that when I went up for full  
4 professor that one of the questions that was raised was  
5 around the publication that was in that University of  
6 Southern Mississippi editorial -- editorial edited volume  
7 and why I chose to publish in a journal that was not  
8 widely recognized.

9 Q. (By Mr. Allen) It was because it was not widely  
10 recognized was the focus of their critique?

11 A. The evaluation criteria in my discipline is  
12 relative positioning of any particular journals, and this  
13 was categorized as a tier three journal in part because  
14 it was not peer reviewed and because it had very low  
15 recognition.

16 Q. And just getting back to the law review  
17 articles that I guess you said there were three maybe?  
18 Am I --

19 A. I recall writing two. One of them was  
20 republished in another law journal. So it makes three  
21 publications but two articles, as I recall.

22 Q. Sure, sure. And I assume that the getting  
23 something recognized by having it republished is actually  
24 -- distinguishes a publication, right?

25 A. It could.

1 Q. Were you ever criticized for publishing in law  
2 reviews?

3 A. No. Planning law is an accepted area of  
4 planning practice, and so it was relevant to the work I  
5 was doing.

6 Q. And I know you testified that you weren't sure  
7 whether those law reviews were student edited or not, but  
8 do you remember going through a peer review process with  
9 any of those law reviews?

10 A. I don't recall the details. In both of those  
11 cases, I copublished with attorneys who obviously had far  
12 more familiarity with the law review process.

13 Q. But that wasn't my question. It was do you  
14 remember a peer review process for any of those law  
15 review articles?

16 A. I don't recall that.

17 Q. You've never edited an academic journal, have  
18 you?

19 A. I have not served as an editor. I have served  
20 on editorial boards.

21 Q. What were you on the editorial board -- strike  
22 that, please.

23 Can you state for the record what academic  
24 journals you served on the editorial board for?

25 A. I would need to look at my CV for more detail,



1 but an example of one is the Journal of Planning  
2 Literature.

3 Q. When did you serve on the Journal of Planning  
4 Literature?

5 A. Rough time period, maybe 2015 or 2016, and I  
6 think I discontinued my service in maybe 2018.

7 Q. So approximately a two, three year stint?

8 A. It could have been longer. I'd have to review  
9 my CV for details.

10 Q. Sure. Are you familiar with an organization  
11 whose acronym is COPE, C-O-P-E?

12 A. I am.

13 Q. What does that stand for?

14 A. I don't recall what it stands for, but it's an  
15 organization that provides information about editorial  
16 roles in journals. They're focused on publications.  
17 Professional -- I shouldn't say professional  
18 publications. They're an organization that supports  
19 publications and advice to those who seek to publish.

20 Q. If I said it's the Committee On Publication  
21 Ethics, would that refresh your memory?

22 A. Yes. That sounds very familiar.

23 Q. When you were serving on the board of editors  
24 for the journals that -- and one of which you remembered  
25 was the Journal of Planning Literature. Is that it?

1           A.     That's correct.

2           Q.     Do you remember them using the Standards of the  
3 Committee on Publication Ethics?

4           A.     I would have had to have gone back and reviewed  
5 the materials that were provided to all of the editorial  
6 board members. But this journal is considered one of the  
7 best in its field and follows common scholarly practices.

8           Q.     So is your answer that you don't remember the  
9 Committee on Publication Ethics setting standards for  
10 those journals or you weren't -- let me strike that.

11                   Do you remember the Committee on Public  
12 Education Standards being required for any of the  
13 journals you served as a member of the editorial board?

14           A.     I do not recall that. I do recall expectations  
15 of upholding ethics in the publication process.

16           Q.     What was your understanding of, quote, "ethics  
17 in the publication process," closed quote?

18           A.     Just as an example in the peer review process,  
19 making sure that that was double blind as just an  
20 example.

21           Q.     Can you explain for the record what double  
22 blind? I mean that's something -- every academic knows  
23 what that means, but people on the jury may not. So can  
24 you please explain what the means?

25           A.     For example, both the author and the reviewer

1 of the publication would not be known to each other.

2 Q. Is it your view that a publication that is not  
3 double blind in the sense of a double anonymous review of  
4 an article is unethical?

5 MS. QUIMBY: Objection, form.

6 Go ahead.

7 A. No. There are many types of publications that  
8 would have different expectations for how they're  
9 produced and what types of reviews they would be  
10 undertaking.

11 Q. (By Mr. Allen) And is there anything wrong with  
12 the journal being student edited?

13 A. There is nothing inherently wrong with having a  
14 student edited journal.

15 Q. It's not unethical to have a student edited  
16 journal, right?

17 A. It would depend on the nature of how that  
18 journal was run.

19 Q. There is nothing inherently wrong with having a  
20 student edited journal, right?

21 A. I'll repeat that it would depend on how that  
22 journal was run.

23 Q. It's a yes or no question, President Cowley.  
24 You can't answer it yes or no?

25 A. Of course I can answer yes and no questions.

1 Q. The question is pretty simple. Is there  
2 something inherently wrong with having a student edited  
3 journal in academia?

4 MS. QUIMBY: Objection, form.

5 Go ahead.

6 A. Students can organize and run a journal.

7 Q. (By Mr. Allen) Ethically, right?

8 MS. QUIMBY: Objection, form.

9 A. It is possible for a student run journal to be  
10 run in an ethical way. It would depend on the specific  
11 nature of a journal to determine whether it was or was  
12 not being conducted in an ethical way.

13 Q. (By Mr. Allen) Is it ethical for a student  
14 editor to lie about the supervisory board of their  
15 journal?

16 MS. QUIMBY: Objection, form.

17 A. I can't speak to any circumstance that you're  
18 providing information about.

19 Q. (By Mr. Allen) I'm not providing any  
20 information. I'm asking you a question based on your  
21 experience of editing academic books, publishing in  
22 academic journals, and serving on the editorial board of  
23 various journals which you've testified to. Is it  
24 ethical --

25 A. Can you --

1 Q. Yeah, sure. Is it ethical for a student editor  
2 to lie about the advisory board of their journal?

3 MS. QUIMBY: Objection, form.

4 A. There is not sufficient information for me to  
5 answer that question.

6 Q. (By Mr. Allen) Yeah, there is. I just asked  
7 you if a student editor lies about the advisory board of  
8 their journal, is that considered ethical in publishing?

9 MS. QUIMBY: Objection, form.

10 A. I don't have the circumstances you're referring  
11 to, so I cannot answer this question.

12 Q. (By Mr. Allen) So you're refusing to answer the  
13 question if a student editor lies about their advisory  
14 board whether that's ethical or not?

15 MS. QUIMBY: Objection, form.

16 A. This is context dependent, and you haven't  
17 provided any context so I'm not going to answer this  
18 question.

19 Q. (By Mr. Allen) When you were the provost, was  
20 the University of North Texas sued for violations of the  
21 First Amendment to the United States Constitution?

22 A. This lawsuit is a First Amendment case.

23 Q. Were there any others?

24 A. You said during my time as provost?

25 Q. Yes. 2020 to 2022. Was that it? Did I get

1 that right?

2 A. 2017 to 2022.

3 Q. Oh, yes. You're correct. Sorry about that.

4 A. It's okay.

5 Q. So from 2017 to 2022, was the University of  
6 North Texas sued for violations of the First Amendment to  
7 the United States Constitution?

8 A. I can't recall any specific lawsuits other than  
9 this one.

10 Q. While you were the provost, did the university  
11 receive any grievances from faculty for the violation of  
12 their First Amendment rights?

13 A. The grievance process does flow through my  
14 office, and some cases would make it to my office. But  
15 as it relates to First Amendment, I don't recall any  
16 specific First Amendment cases.

17 Q. While you were the provost, did the university  
18 receive grievances from faculty for the violation of  
19 their academic freedom?

20 A. Not while I was provost.

21 Q. Based on your experience as provost and now, I  
22 suppose, as President of the University of Texas at  
23 Arlington, can you state for the record your  
24 understanding of how the First Amendment protects the  
25 speech rights of faculty?

1 MS. QUIMBY: Objection, form.

2 You can answer.

3 A. Faculty are free to express their viewpoints.  
4 For example, if they wanted to write an article, they  
5 could express what they preferred to express in that  
6 article.

7 Q. (By Mr. Allen) And was that how you interpreted  
8 it while you were the Provost of the University of North  
9 Texas?

10 A. Do you mean in the context of this case?

11 Q. No. From 2017 to 2022, before and after.

12 A. Can you repeat your question?

13 Q. Sure. Let's do it this way. Did you interpret  
14 your -- did you -- scratch that, please.

15 Did you interpret the First Amendment rights to  
16 free speech to apply differently at the University of  
17 North Texas than they do at the University of  
18 Arlington -- University of Texas at Arlington?

19 A. No.

20 MS. QUIMBY: Object to form.

21 Go ahead.

22 A. No.

23 Q. (By Mr. Allen) Sorry. I didn't hear your  
24 answer.

25 A. No.

1 Q. Thank you. I'm sorry. We're all talking over  
2 each other.

3 A. And just to let you know, you're cutting out  
4 just a little bit. So if I ask you to repeat a question,  
5 it's just because there is some little missing pieces.

6 Q. Absolutely. And that goes under the category  
7 of always feel free to interrupt me to ask for  
8 clarification. I don't know why that's happening. I  
9 appreciate you bringing it to my attention though.

10 When you were Provost at the University of  
11 North Texas, what limitations did you believe could be  
12 placed on the First Amendment for faculty speech?

13 MS. QUIMBY: Objection, form.

14 A. So I think there are some differences between  
15 academic freedom and freedom of speech. So, for example,  
16 if a faculty member was teaching a science class and they  
17 were using class time to speak about a topic that is  
18 completely unrelated to the content of the class, that  
19 may not be appropriate.

20 Q. (By Mr. Allen) That's one example. So let me  
21 sum up. Is this -- just so I can tell if I understand  
22 correctly, right. In general terms, if a professor is  
23 opining in class about something completely unrelated to  
24 the class, that's not necessarily protected. Is that  
25 your view?



1           A.     My view would be that the instructor is  
2 responsible for teaching the content related to the  
3 class. And if that strays too far and the content is not  
4 being covered, that may not be protected under academic  
5 freedom.

6           Q.     Would it be protected under the First  
7 Amendment?

8                     MS. QUIMBY: Objection, form.

9           Q.     (By Mr. Allen) And understand I'm not asking  
10 you to give a legal conclusion. I'm asking for your  
11 understanding as provost.

12          A.     I'm not an attorney, so I would not be able to  
13 speak in specificity. Generally speaking, faculty have  
14 the freedom to express their views in public. Express  
15 their views through publications and other outlets.  
16 There are some limited occasions such as not teaching the  
17 content of a class where their speech may be questioned.

18          Q.     So you mentioned the example of not teaching  
19 the content of a class. Are there other areas in which  
20 the right of faculty to speak can be limited despite the  
21 First Amendment, as you understood it as provost?

22                     MS. QUIMBY: Objection, form.

23          A.     If there is a specific context in which you're  
24 trying to ask, you could ask that.

25          Q.     (By Mr. Allen) Well, I'm asking you. The

1 context is your job as provost. What are the limitations  
2 on faculty speech that you were prepared to enforce as  
3 provost, notwithstanding the First Amendment?

4 A. I would reframe it. My responsibility as the  
5 provost is to protect the free speech rights of our  
6 faculty and their ability to express themselves in  
7 appropriate forums.

8 Q. Is the speech of professors in academic  
9 journals generally understood by you as protected speech?

10 A. Generally speaking, yes.

11 Q. So as you sit here today, you are -- excuse me.  
12 Can I ask again though as a provost, what limitations  
13 besides the teaching content in class that was completely  
14 off topic which you explained before.

15 Were there other limitations that you considered to be  
16 important for the First Amendment rights of faculty  
17 speech?

18 MS. QUIMBY: Objection, form.

19 A. I have not witnessed examples of where I felt  
20 that faculty did not exercise their free speech rights  
21 appropriately.

22 Q. (By Mr. Allen) So as you sit here today, that's  
23 the only example you can give that a teacher might be  
24 teaching off topic in class or saying something?

25 A. That's the example I'm choosing to give, yes.

1 Q. And you can't think of any other examples?

2 A. Not in the moment.

3 Q. Okay. Now, you had brought this up before, and  
4 I understand that they overlap. How is academic freedom  
5 different from the protections of faculty to speak freely  
6 that are granted by the First Amendment?

7 MS. QUIMBY: Objection, form.

8 A. Faculty members are employees of a university,  
9 and they have certain roles and responsibilities. There  
10 are policies and procedures that govern the roles and  
11 responsibilities of a faculty member.

12 What I choose to say is as an individual  
13 citizen in social media, out in the world, wherever I  
14 want to say it, is distinct and different from my role as  
15 a faculty member in an institution where I have a primary  
16 responsibility to fulfill the mission of teaching our  
17 students, engaging in scholarship, and providing public  
18 service.

19 Just as any employee in any organization, I do  
20 not have ultimate freedom to say anything that I might  
21 wish to say that there are certain expectations of  
22 professionalism. And going back to the example in the  
23 classroom that if I am hired to teach city planning, I  
24 should be teaching city planning.

25 Q. (By Mr. Allen) Can you state for the record

1 what you mean when you, in university documents as  
2 Provost for the University of North Texas, use the term  
3 diversity and inclusion? What does that mean, diversity  
4 and inclusion?

5 A. You would have to refer to any relevant UNT  
6 policy as it relates to any use of those terms.

7 Q. So as you sit here today, you don't remember  
8 what you meant when you wrote diversity and inclusion in  
9 documents at the University of North Texas?

10 A. It would be context dependent.

11 Q. Depends on what context?

12 A. For example, the University of North Texas has  
13 a diverse student body that is representative of the  
14 state of Texas.

15 Q. When you say diverse student body, what do you  
16 mean? What constitutes this diversity?

17 A. Age, veteran status, ability or disability,  
18 race, gender, so on and so forth. The students at the  
19 University of North Texas come from a diverse set of  
20 backgrounds.

21 Q. When you say ability or disability, do you mean  
22 what we -- what we conventionally think of as disability  
23 rights?

24 A. Can you repeat that question, please?

25 Q. Sorry. Did I cut out? Yeah. When you say

1 ability or disability, are you referring to things like  
2 physical disabilities, mental disabilities, psychiatric  
3 conditions, things of that sort?

4 A. Correct.

5 Q. Do you understand anything else by the term  
6 abilities in that definition you just gave?

7 A. The university has an office that provides  
8 accommodations to students that have a range of  
9 conditions that may require some accommodation within the  
10 university.

11 Q. So in terms of diversity, you've mentioned age,  
12 veteran status, disability status, race, gender.  
13 And I think you said something like backgrounds.  
14 Anything else that constitutes diversity at the  
15 University of North Texas?

16 A. I mentioned veteran status. But there is, of  
17 course, intellectual diversity, diversity of thought.

18 Q. So as provost when -- if you -- it came to your  
19 attention that there was uniformity of thought, would  
20 that be a concern of yours?

21 MS. QUIMBY: Objection, form.

22 A. It would depend on the context.

23 Q. (By Mr. Allen) Let's say if the -- in the music  
24 theory program, if it came to your attention that there  
25 was a prevalent orthodoxy among the faculty, would that

1 be a concern to you as a provost?

2 MS. QUIMBY: Objection, form.

3 A. I'm not a music theorist, so I couldn't speak  
4 superficially to musicology or music theory. But just  
5 giving a broader example, it's not uncommon in fields to  
6 come to a consensus around a particular theory, for  
7 example.

8 You know, if you think about the advancement of  
9 science, then sometimes there needs to be consensus that  
10 this is the correct direction to then advance future  
11 directions. But that's highly dependent on the  
12 individual field and different perspectives.

13 Q. (By Mr. Allen) You mentioned, you know, that a  
14 professor shouldn't be teaching off their topic, correct?  
15 In class, correct?

16 A. If I am responsible for teaching a city  
17 planning class, then I would expect the content to be  
18 related to city planning. I would not expect that that  
19 class would be teaching music theory.

20 Q. You expect your music theory faculty -- when  
21 you were provost, did you expect your university faculty  
22 to be expounding on race relations in their classrooms?

23 MS. QUIMBY: Objection, form.

24 A. That would be context dependent, so it would be  
25 looking at are the learning objectives in the course and

1 how would the professor best deem to achieve those  
2 learning outcomes.

3 Q. (By Mr. Allen) As you understood it, what's the  
4 relationship between race relations and music theory as  
5 you were managing the university including its music  
6 history, ethnomusicology and theory program?

7 MS. QUIMBY: Objection, form.

8 A. I'm not a music theorist, so I couldn't speak  
9 with specificity about music theory. It's up to our  
10 faculty to determine what are the appropriate, in this  
11 case, theorists to be able to study and discuss and  
12 connect those things to current day matters might be  
13 appropriate.

14 Q. (By Mr. Allen) So as you sit here today, you  
15 are -- is it your testimony that orthodoxy in the music  
16 theory program was not a concern of yours?

17 MS. QUIMBY: Objection, form.

18 A. I didn't have specific information that would  
19 indicate this is or is not an issue.

20 Q. (By Mr. Allen) And the controversy that  
21 surrounded my client didn't provide you to any specific  
22 information that there was some sort of orthodoxy in the  
23 music theory program?

24 MS. QUIMBY: Objection, form.

25 A. I did not have information as such.

1 Q. (By Mr. Allen) Back to the idea of academic  
2 freedom. As you understood it, were there  
3 responsibilities that went along with the enjoyment of  
4 academic freedom?

5 MS. QUIMBY: Objection, form.

6 A. Yes.

7 Q. (By Mr. Allen) What were those  
8 responsibilities?

9 A. With academic freedom comes responsibility to  
10 fulfill our mission. So just going back to the example  
11 of teaching, I, as an individual faculty member or any  
12 faculty member, are given the freedom to determine what  
13 is appropriate to bring into their classroom.

14 But with that comes the responsibility that  
15 you're teaching in a way that is going to achieve  
16 appropriate learning outcomes for that discipline and  
17 helping that student to grow professionally in their  
18 knowledge of the subject area.

19 Q. Was one of the missions of the University of  
20 North Texas to combat racism?

21 A. That is not in the mission. That's not stated  
22 in the mission.

23 Q. So when you say our mission, what were you  
24 referring to?

25 A. The university's mission statement.



1 Q. Can you summarize as best you can what the  
2 UNT's mission statement was in the time you were provost?

3 A. I could not state that word for word but  
4 generally speaking to advance the learning of our  
5 students, their preparation to launch once they graduate  
6 and to foster discovery.

7 Q. I think you would agree that that mission would  
8 be the same for any student regardless of race, right?

9 A. Correct.

10 MS. QUIMBY: Objection, form.

11 Q. (By Mr. Allen) Would you consider it  
12 irresponsible in the context of the assertion of academic  
13 freedom at the University of North Texas while you were  
14 provost to say something that offends the UNT's policies  
15 of diversity and inclusion?

16 MS. QUIMBY: Objection, form.

17 A. Can you rephrase the question?

18 Q. (By Mr. Allen) Sure. Would you consider it  
19 irresponsible of a faculty member to criticize UNT's  
20 policies of diversity?

21 MS. QUIMBY: Objection, form.

22 Go ahead.

23 A. Faculty are free to express criticisms of UNT  
24 policies. There are appropriate shared governance  
25 processes for which a faculty can express dissent.

1 Q. (By Mr. Allen) And you'd give the same answer  
2 if I asked if it was irresponsible to critique UNT  
3 policies of, quote, "inclusion" as well, right?

4 A. Any policy can be critiqued by a faculty  
5 member.

6 Q. And we talked earlier about this concept of  
7 diversity. What -- what about the commitment of the  
8 University of North Texas to inclusion? What did that  
9 mean while you were provost?

10 A. The university's goal is to create a welcoming  
11 environment for all students to aim in helping them to  
12 feel that they belong at the university and that they  
13 feel free to engage with faculty, fellow students, and  
14 staff.

15 MR. ALLEN: I'm sorry, Madam Reporter.  
16 Can you read back that answer to me? I didn't think I  
17 heard it.

18 (Requested portion read back)

19 Q. (By Mr. Allen) So in your view, inclusion means  
20 this feeling of belonging for all students --

21 MS. QUIMBY: Objection, form.

22 Q. (By Mr. Allen) -- as one -- of one of the  
23 components?

24 A. Well, you haven't pointed to a specific policy  
25 that you're referencing.

1 Q. Well, I'm asking you your understanding. You  
2 were there for seven years, right? No. 2007 --

3 A. Five years.

4 Q. Five years. And other that five years, you  
5 don't -- you didn't have an understanding of what  
6 inclusion meant? You need to have the specific policy  
7 now?

8 A. No. Earlier you referenced and asked about  
9 policies, and so I'm just clarifying what your intention  
10 is in this question.

11 Q. I'm trying to find out what you understand by  
12 inclusion. And you mentioned welcoming to all students,  
13 fostering a sense of belonging at the university,  
14 encouraging students to feel free to engage with faculty,  
15 students, and staff, right?

16 A. Yes.

17 Q. So I just sort of -- those sound very abstract  
18 but very noble. And I just want to understand what you  
19 mean by a student's sense of belonging at the university.

20 A. I think a successful outcome would be where a  
21 student feels a sense of connection, that they may have  
22 faculty members that they have felt comfortable working  
23 with and engaging with in and outside of the classroom;  
24 That they may have a student organization or  
25 some kinds of activities on campus for which bring them

1 joy and connectivity, and they feel like the university  
2 is a place where they're thriving.

3 Q. What does the, you know, ascribed category of  
4 race have to do with diversity and inclusion at the  
5 University of North Texas, as you understood it?

6 MS. QUIMBY: Objection, form.

7 A. Your question is how is race connected to  
8 diversity and inclusion at the university?

9 Q. (By Mr. Allen) Yes.

10 A. Race is one descriptive category of individuals  
11 that attend the university. The university, for example,  
12 is a Hispanic serving institution because of the  
13 significant number of Hispanic students who have chosen  
14 to attend the University of North Texas. Race and  
15 ethnicity is one form of diversity.

16 Q. And obviously you would want anyone to feel  
17 included on the base of race, right?

18 A. We would want every student of the University  
19 of North Texas to feel included at UNT.

20 MS. QUIMBY: Can we take a break, please?

21 MR. ALLEN: Sure. We've been going about  
22 an hour.

23 VIDEOGRAPHER: Off the record, 10:13.

24 (Recess taken from 10:13 to 10:23)

25 VIDEOGRAPHER: The time is 10:23. We're

1 on the record.

2 Q. (By Mr. Allen) Who is John Richmond?

3 A. John Richmond is the Dean of the College of  
4 Music at UNT.

5 Q. Was he there for your entire tenure as provost?

6 A. He was.

7 Q. Did he also teach?

8 A. I know he has taught in the past. I'm not  
9 aware of any teaching responsibilities in his capacity as  
10 dean.

11 Q. Was it his obligation to combat racism at the  
12 University of North Texas?

13 MS. QUIMBY: Objection, form.

14 A. There is no explicit charge to combat racism by  
15 any employee at the university.

16 Q. (By Mr. Allen) Now or then?

17 A. I have no knowledge of what's happening at the  
18 university today.

19 Q. So when you speak about what is going on at the  
20 University of North Texas, you're speaking from your  
21 experience from 2017 to 2022, right?

22 A. Correct. So I'm not aware that there was a  
23 policy that explicitly required individuals to combat  
24 racism which is the question you asked.

25 Q. Would that be within the scope of his job as

1 the Dean of the School of Music to commit the school to  
2 combating racism?

3 A. It is the responsibility of the dean, in his  
4 role in leadership, to support an environment that would  
5 welcome all students.

6 MR. ALLEN: Could you read the question  
7 again for the witness? I don't think she answered my  
8 question.

9 (Requested portion read back)

10 Q. (By Mr. Allen) Could you please answer the  
11 questions instead of that vague answer you gave before?

12 MS. QUIMBY: Objection, form.

13 A. It is the role and responsibility of each dean  
14 to make sure that we're creating an environment where all  
15 students are welcome. It would be the purview of each  
16 leader to best determine how they would achieve that in  
17 their individual unit.

18 Q. (By Mr. Allen) So in his individual unit, was  
19 committing the School of Music to combating racism within  
20 his authority as dean?

21 MS. QUIMBY: Objection, form.

22 A. I'm not aware of explicit documents or  
23 requirements that you're referring to.

24 Q. (By Mr. Allen) I didn't ask if you were aware  
25 of documents. I asked a pretty simple question.

1 MR. ALLEN: Can you repeat the question to  
2 the witness, please?

3 (Requested portion read back)

4 A. And I responded it's up to each dean to  
5 determine in the best way for which they are going to  
6 ensure that there is a welcoming environment for all  
7 students.

8 Q. (By Mr. Allen) So is that, yes, he can do that?  
9 Is that your answer? He may do --

10 A. He may do what? Can do what?

11 Q. Commit the School of Music to combating racism.

12 A. There is no reason for you to get agitated.

13 This is a professional discussion.

14 Q. You're not answering my question. I asked is  
15 that then permitted?

16 A. Is what? Is what?

17 Q. Is it permitted to Dean Richmond to commit the  
18 School of Music to, quote, "combating racism?"

19 A. I'm not aware of a commitment that Dean  
20 Richmond has made, and you've not provided a specific  
21 commitment. So I can't respond further.

22 Q. Why can't you respond? I'm asking you a very  
23 simple, straightforward question. If you are going to  
24 refuse to answer the question, just say so. Is he  
25 allowed --

1 (Cross-talk)

2 A. You've not worded --

3 Q. Is Dean Richmond allowed --

4 A. You've not worded the question --

5 Q. Was Dean Richmond allowed to commit the School  
6 of Music to, quote, "combating racism" under your  
7 leadership as provost?

8 A. As I have stated, the dean, at his discretion,  
9 can best determine the methods and approaches for which  
10 he will create a welcoming environment for all students.  
11 If racism is, in fact, an issue in the college, it would  
12 be his purview to think about how best to address that so  
13 that there is a welcoming environment for all students.

14 Q. So does that mean your answer is yes to that  
15 question?

16 A. I provided my answer.

17 Q. Were you aware of any racism in the school  
18 of -- excuse me -- the College of Music while you were  
19 provost?

20 A. There are from time to time racist incidents  
21 that happen across the university. Those are typically  
22 reported into what was at that time -- I won't remember  
23 the exact name of the office.

24 But there was an office that took all reports  
25 of potential discrimination and investigated those to



1 determine if there was an incident of discrimination and  
2 the matter would be dealt with. I'm not familiar with  
3 specific examples in the College of Music.

4 Q. So maybe this has already answered this  
5 question, but let me ask it anyway. My client, Timothy  
6 Jackson, did you ever know of any incident that he was  
7 investigated for allegations of racism?

8 A. I am not familiar with any incidents that he  
9 may have been named in.

10 Q. Were you aware of any specific actions that my  
11 client was supposed to have engaged in that were  
12 considered racist?

13 MS. QUIMBY: Objection, form.

14 A. Can you repeat that question?

15 Q. (By Mr. Allen) Can you identify or do you  
16 remember any specific actions that my client supposedly  
17 engaged in that were considered racist?

18 MS. QUIMBY: Objection, form.

19 A. I understand that concern was raised by the  
20 faculty and students that he may have engaged in  
21 activities that could be deemed as racist.

22 Q. (By Mr. Allen) Do you know what specific  
23 activities they were referring to?

24 A. Specifically it was referring to a publication  
25 that he had produced a journal article.

1 Q. So basically publishing something. That was  
2 the only activity that was identified to your office?

3 A. That is the activity that I am aware of.

4 Q. So they basically thought his speech was  
5 racist.

6 MS. QUIMBY: Objection, form.

7 A. I can't speak to what others' thoughts were.

8 Q. (By Mr. Allen) Well, I'm talking about what was  
9 reported to your office. You heard allegations that he  
10 had spoken in a journal article or a publication and that  
11 was racist. Is that fair?

12 MS. QUIMBY: Objection, form.

13 A. There was a letter from the students and from  
14 the faculty, separate letters, that were shared with my  
15 office that raised concerns about the publication of the  
16 Journal of Schenkerian Studies as well as concerns about  
17 Dr. Jackson's specific journal article.

18 Q. (By Mr. Allen) Okay. Thank you. And just for  
19 the record, is that Volume 12 of the Journal of  
20 Schenkerian Studies?

21 A. Correct.

22 Q. This is maybe a good point to transition to  
23 discussing your understanding of the professional  
24 standards of scholarship, as they were maintained by the  
25 University of North Texas.

1           So let me ask you. I think we would agree --  
2 well, let me just ask that under your leadership as  
3 provost, the University of North Texas was committing to  
4 upholding the highest professional standards of  
5 scholarship, right?

6           A. It is an expectation of our faculty to engage  
7 in scholarship if they're in a tenure system position.  
8 And it's an expectation of those who are in positions  
9 that engage in scholarship that they should be behaving  
10 in professional ways.

11          Q. And did you expect the University of North  
12 Texas press to uphold the highest standards of  
13 professional scholarship?

14          A. The University of North Texas press has a  
15 responsibility to make sure that we're producing  
16 publications of a professional nature.

17          Q. Was the University of North Texas press under  
18 your authority as provost?

19          A. The university press reports to the university  
20 libraries, and the university libraries reports to the  
21 provost office.

22          Q. Okay. Incidentally did Dean Richmond report  
23 directly to you?

24          A. Dean Richmond reported at that time directly to  
25 me.

1 Q. And his division chairs reported directly to  
2 him.

3 A. Correct. That was my understanding, yes.

4 Q. Good. Did the University of North Texas strive  
5 to hold itself to professional standards that differed  
6 from other state universities?

7 A. That would be context specific. But generally  
8 speaking, the research universities across the state  
9 strive to meet the same general professional standards.  
10 Not every university is going to have every discipline.  
11 And there are variations cross disciplines in terms of  
12 expectations.

13 Q. And to your knowledge, did the University of  
14 North Texas press strive to establish different standards  
15 than for other comparable publications in whatever fields  
16 it was publishing?

17 A. I can't speak to that.

18 Q. You didn't supervise the activities of the  
19 University of North Texas press in that kind of detail?

20 A. No, not directly. That was the purview of the  
21 university libraries.

22 Q. Okay. Is it unprofessional to publish articles  
23 that offend other academics?

24 A. It is quite common for scholars to engage in  
25 disagreements.

1 Q. Is it quite common for professionally published  
2 work to offend other scholars in their field?

3 A. It is possible for a person to be offended, but  
4 I can't speak to any individual.

5 Q. I'm not asking you to speak to any individual.  
6 I'm asking you if, in your experience both as a scholar  
7 and academic administrator, it was common for faculty to  
8 publish professionally in ways that offended their  
9 colleagues?

10 MS. QUIMBY: Objection, form.

11 A. I would reframe that to say it is not uncommon  
12 for faculty to produce scholarship that may be questioned  
13 by others.

14 Q. (By Mr. Allen) I want you to answer my  
15 question, Ms. Cowley. And I would appreciate it if you  
16 don't reframe my question but actually listen and answer  
17 the question I asked. Is that fair?

18 A. Repeat your question.

19 Q. Are you going to answer it, or are you going to  
20 reframe it? Can I ask a question and have it answered?

21 A. You can ask the question. I will answer to the  
22 best of my ability.

23 Q. In your experience as both a publishing  
24 academic and as a university administrator, was it common  
25 for scholars to professionally publish articles that

1 offended their faculty colleagues?

2 MS. QUIMBY: Objection, form.

3 A. I take issue with the word offensive. Is it  
4 common for scholars to disagree with each other?  
5 Absolutely. There are varying viewpoints and  
6 perspectives on many different issues. As for offend in  
7 my own discipline, I can't think of any article that has  
8 offended me. So it is common? I can't say to the extent  
9 to which it is common.

10 Q. (By Mr. Allen) Were you aware that Professor  
11 Jackson published an article that offended his  
12 colleagues?

13 A. I am aware that Dr. Jackson published an  
14 article that raised concerns by his professional society.

15 Q. You don't know whether it offended the  
16 colleagues he had at the University of North Texas?

17 A. I know that his colleagues expressed concerns.  
18 I can't speak to whether they were offended or not.

19 Q. Is it professional for a faculty to call for  
20 their colleague to be fired because they disagree with  
21 their viewpoints?

22 A. That would be context specific.

23 Q. Was it professional for the UNT faculty to call  
24 for Professor Jackson to be fired?

25 MS. QUIMBY: Objection, form.

1           A.     It is perfectly reasonable for colleagues to  
2 raise concerns about other colleagues to express their  
3 viewpoint on any particular colleague's behavior.

4           Q.     (By Mr. Allen) Including calling for them to be  
5 fired?

6                     MS. QUIMBY: Objection, form.

7           A.     Any individual could choose to say that I  
8 believe a colleague should be fired.

9           Q.     (By Mr. Allen) Sure. They can choose to say  
10 that, but my question is different. Is it professional  
11 conduct for them to call for their colleague to be fired?

12                    MS. QUIMBY: Objection, form.

13           A.     That's context specific.

14           Q.     (By Mr. Allen) I just gave the context. The  
15 faculty of the University of North Texas MHTE program,  
16 was that professional conduct for them to call for  
17 Professor Jackson to be fired?

18                    MS. QUIMBY: Objection, form.

19           A.     The faculty raised serious concerns regarding  
20 the publication of the Journal of Schenkerian Studies.  
21 And some of those faculty believed that the publication  
22 was so serious that they believed it could result in  
23 Dr. Jackson being fired. That was their viewpoint.

24           Q.     (By Mr. Allen) Of course, it's their viewpoint.  
25 But my question is was that professional behavior of them

1 as scholars to call for him to be fired?

2 A. It's absolutely professional for colleagues to  
3 call out and raise concerns about publication practices.

4 Q. Was it professional for the graduate student,  
5 Rachel Gain, to call Professor Jackson a piece of shit?

6 MS. QUIMBY: Objection, form.

7 A. I have no knowledge of that statement.

8 Q. (By Mr. Allen) Assume for me, please, that that  
9 did happen. Would that be professional conduct of a  
10 graduate student?

11 MS. QUIMBY: Objection, form.

12 A. That would be context specific.

13 Q. (By Mr. Allen) On Twitter, for instance, would  
14 that be professional conduct?

15 A. If a student is acting in their individual  
16 capacity as an individual, they're free to express  
17 whatever they wish.

18 Q. Including insulting their professor, right?

19 A. That would be their choice.

20 Q. Would it be professional -- let me strike that.

21 Is it professional as a faculty member to call  
22 for an academic publication to be shut down if they  
23 disagree with the viewpoints expressed in the  
24 publication?

25 MS. QUIMBY: Objection, form.



1           A.     It could be professional if their concerns are  
2 related to the nature in which the publication was  
3 produced.

4           Q.     (By Mr. Allen) You called for Professor Jackson  
5 and the -- well, let me strike that.

6                     You called for the Journal of Schenkerian  
7 Studies to be investigated, right?

8           A.     I formed an ad hoc review panel to review the  
9 concerns raised by the Society for Music Theory.

10          Q.     So you were investigating the Society for Music  
11 Theory?

12                     MS. QUIMBY: Objection, form.

13          A.     No. To clarify, the Society for Music Theory  
14 raised concerns about the production process for Volume  
15 12 of the Journal of Schenkerian Studies. I formed an ad  
16 hoc panel to review the concerns that were raised and  
17 determine and make recommendations.

18          Q.     (By Mr. Allen) And your understanding of their  
19 concerns were only that it was produced in an  
20 unprofessional manner?

21                     MS. QUIMBY: Objection, form.

22          A.     That was the charge that I gave to the  
23 committee.

24          Q.     (By Mr. Allen) I'm not asking that. I said the  
25 Society for Music Theory, your understanding of their

1 concerns were that -- were solely that the journal was  
2 not produced in a professional manner?

3 A. They had broader concerns. The concerns that I  
4 chose to charge the ad hoc committee with were  
5 exclusively related to how the journal was produced.

6 Q. What were their broader concerns, President  
7 Cowley?

8 A. I would have to go back and review their  
9 specific letter that they submitted to the university.

10 Q. As you sit here today, you can't remember  
11 their, quote, "broader concerns," closed quote, as you  
12 just characterized them?

13 A. My recollection was they raised concerns  
14 specific to the journal's publication process and that  
15 there were concerns regarding some of the journal  
16 articles.

17 Q. What were their concerns concerning some of the  
18 journal articles?

19 A. Again I would have to go back and look at that  
20 specific letter that was submitted.

21 Q. As you sit here today, you can't remember what  
22 their broader concerns are or were? That's your  
23 testimony today?

24 MS. QUIMBY: Objection.

25 A. Correct.

1 Q. (By Mr. Allen) I'm sorry. Could you state your  
2 answer? It was just spoken over just by accident. What  
3 was your answer?

4 A. Correct.

5 Q. Thank you. You wanted the so-called ad hoc  
6 panel to investigate the Journal of Schenkerian Studies,  
7 correct?

8 A. I requested that the ad hoc panel review the  
9 production of Volume 12 of the Journal of Schenkerian  
10 Studies.

11 Q. And you specifically instructed them to do so  
12 objectively, right?

13 A. You would have to refer to the specific charge  
14 that I gave to the committee.

15 Q. As you sit here today, you can't remember  
16 instructing them to conduct an objective investigation?

17 A. I would want to look at the specific charge.  
18 But the general intention was that they would conduct a  
19 review of the production process, focusing on the process  
20 and procedures that were used to produce the journal.

21 Q. Did you -- so that again wasn't my question.  
22 And this will take a lot less time if you would answer my  
23 question instead of answering the question that you  
24 apparently want to answer.

25 I asked about objectivity; do you understand

1 where it's talking about the objectivity of the  
2 investigation. And my question is you don't remember  
3 instructing them to give an -- to undertake an objective  
4 investigation?

5 MS. QUIMBY: Objection, form.

6 A. Again I would want to review the specific  
7 charge that I gave to the ad hoc panel to determine  
8 whether I used the word objective.

9 Q. (By Mr. Allen) As a provost instructing a  
10 faculty panel to undertake any investigation, were you  
11 indifferent to whether they did it objectively or not?

12 MS. QUIMBY: Objection, form.

13 A. The expectation is that they would undertake a  
14 reasonable review of the matter and draw reasonable  
15 conclusions.

16 Q. (By Mr. Allen) As you used the word, quote,  
17 "reasonable," is that the same as objective in your view?

18 A. You haven't defined the word objective.

19 Q. Well, that's what I'm trying to ask you about.  
20 What do you understand by an objective investigation,  
21 President Cowley?

22 MS. QUIMBY: Objection, form.

23 A. An objective investigation would review  
24 relevant materials and draw reasonable conclusions based  
25 on the information that they have gathered in that review

1 process.

2 Q. (By Mr. Allen) Could we agree that disregarding  
3 evidence that tended to show that my client, Professor  
4 Jackson -- let me strike that.

5 Would you agree that disregarding exculpatory  
6 evidence is not objective?

7 MS. QUIMBY: Objection, form.

8 A. I can't speak to any specific evidence that the  
9 committee did or did not review, so I  
10 can't (inaudible).

11 (Cross-talk)

12 Q. (By Mr. Allen) I'm not asking -- can we  
13 just -- can we be clear? I did not ask you about  
14 that. This will really take a lot less time if you just  
15 answer the question. I'm asking about standards of  
16 university investigations under your leadership as  
17 provost in general terms.

18 Is it objective for UNT investigations, in your  
19 view, if they disregarded exculpatory evidence?

20 MS. QUIMBY: Objection, form.

21 A. Again this is context dependent, so I can't  
22 speak to any particular evidence that has or has not been  
23 presented to that committee.

24 Q. (By Mr. Allen) In what context, would  
25 disregarding exculpatory evidence be objective? Maybe

1 you can enlighten me.

2 A. I couldn't speak to any specific examples.  
3 You haven't provided appropriate context.

4 Q. Can you provide me with any examples in which  
5 disregarding exculpatory evidence would be objective?

6 MS. QUIMBY: Objection, form.

7 A. If that evidence was falsified.

8 Q. (By Mr. Allen) Any other examples of how it  
9 would not be objective to disregard exculpatory evidence?

10 A. Not that I can think of off the top of my head  
11 in the moment.

12 Q. Would a witness lying to an investigatory panel  
13 be an example of how did you put it? Falsifying  
14 evidence?

15 MS. QUIMBY: Objection, form.

16 A. That would be context specific, so I can't  
17 speak to an individual statement.

18 Q. (By Mr. Allen) You can't speak to the -- to the  
19 -- what your testimony today is that you can't speak to  
20 whether lying to an investigation panel would be somehow  
21 objective or not?

22 A. I can't speak to what the nature of a lie would  
23 be or the context in which a lie was presented.

24 Q. So is it your testimony today that there are  
25 some context specific situations in which it's okay to

1 lie to an investigation committee?

2 A. I would need further context. So in general is  
3 lying appropriate? No. Is telling someone that you like  
4 their tie when you don't really? Is that a problematic  
5 lie? Perhaps not. So it really depends on the context  
6 and what the communication was to the panel and what the  
7 nature of that evidence was.

8 Q. Did you understand the ad hoc committee to be  
9 asking about people's tie colors?

10 A. No. I presume they did not ask about tie  
11 colors. I simply provided an example.

12 Q. Are there any rules or policies of the  
13 University of North Texas that would make it a violation  
14 for graduate students to lie about their professors in a  
15 way that was material? In a way that compromised and  
16 prejudiced them? Not tie colors and things you just  
17 mentioned but about real material situations?

18 A. I would have to review the Student Code of  
19 Conduct to see if there was something -- if there would  
20 be something that would be applicable. But generally  
21 speaking, the Student Code of Conduct governs student  
22 behaviors.

23 Q. As you sit here today, you can't remember  
24 whether that is against the policies of the University of  
25 North Texas?

1           A.     I have no details about what lies you're  
2 speaking of, so I can't respond further to this question.

3           Q.     Well, I wasn't speaking of a lie in particular.  
4 Now I'm asking is that -- is telling a material lie about  
5 a professor, would that violate a policy or rule of the  
6 university? And you're saying you don't really know  
7 unless, I guess, you went and read some policies. Is  
8 that your answer?

9           A.     My understanding is there is not a specific  
10 policy that would state specifically what you have said.  
11 Generally speaking, the Student Code of Conduct governs  
12 student conduct, but it does not go into that level of  
13 detail to say if a student says a lie about a professor,  
14 then it would be a violation of the Student Code of  
15 Conduct.

16          Q.     In the course of an investigation, is it the  
17 responsibility of an investing panel like the ad hoc  
18 committee to raise new violations in the course of their  
19 investigation if they come across evidence of a different  
20 policy violation than they're investigating?

21                   MS. QUIMBY: Objection, form.

22          Q.     (By Mr. Allen) Maybe it's a bad question. You  
23 understand my question?

24          A.     Would you perhaps rephrase it?

25          Q.     Sure. You convened a so-called ad hoc panel,



1 right?

2 A. Correct.

3 Q. To investigate what I believe you said is  
4 Volume 12 of the Journal of Schenkerian Studies, right?

5 A. Correct.

6 Q. And if in the course of that investigation they  
7 discovered evidence of different policy violations, did  
8 they have an obligation to report those to the  
9 university? In other words, not about the journal's  
10 publication practices but they discovered some or policy  
11 violation. Would you expect those to be brought to your  
12 attention?

13 MS. QUIMBY: Objection, form.

14 A. That would be context dependent. So if it was  
15 related to the publication of the Journal of Schenkerian  
16 Studies and they determined that there was a policy that  
17 may have been violated, then, sure, they can bring that  
18 forward as part of their recommendations.

19 Q. (By Mr. Allen) Were they obligated to, or they  
20 just can do that if they feel like it?

21 A. They were responsible for responding to the  
22 specific charges that were outlined. That was their duty  
23 and responsibility.

24 Q. Right. And I didn't ask about that. I asked  
25 if that was something they must do or something they

1 could do. If they find evidence of another UNT policy  
2 violation, should they bring that to your attention?

3 MS. QUIMBY: Objection, form.

4 A. Again that's context dependent. I think could  
5 is the right answer depending on the context.

6 Q. (By Mr. Allen) So they had discretion to do  
7 that. Is that your answer?

8 A. Their responsibility was to respond to the  
9 specific charge that was given to them. Without further  
10 context of what you're talking about, I can't respond  
11 further.

12 Q. Is it objective in an investigation to limit  
13 yourself strictly to a charge that was given to you such  
14 as you gave to the ad hoc panel?

15 MS. QUIMBY: Objection, form.

16 A. Can you repeat your question?

17 Q. (By Mr. Allen) Sure. Is it the hallmark of an  
18 objective investigation to limit the investigation  
19 strictly to your charge in the case of the ad hoc panel?

20 A. That was the responsibility of the ad hoc panel  
21 was to respond to those charges.

22 Q. So your answer is yes?

23 MS. QUIMBY: Objection, form.

24 A. The committee produced a report that responded  
25 to those charges.

1 Q. (By Mr. Allen) So your answer is yes?

2 MS. QUIMBY: Objection, form.

3 A. I have provided my response.

4 Q. (By Mr. Allen) So you're refusing to answer yes  
5 or no?

6 A. Correct.

7 Q. About the College of Music, can you give -- and  
8 to as your experience as provost, how important is the  
9 College of Music to the University of North Texas?

10 And let me preface that by saying I think at  
11 all universities, even the most prestigious, some  
12 departments or colleges have more prestige or reputation  
13 than others. And I'm just trying to get you to assess  
14 where the College of Music stood in the relative, say,  
15 reputational heft of programs at the University of North  
16 Texas.

17 A. Of course, as a provost, we value all academic  
18 programs and their contributions. It's a bit like your  
19 children. You love them all.

20 Q. Sure.

21 A. The College of Music has an excellent global  
22 reputation and is a point of pride for the university.

23 Q. More so than other programs? I mean, I'm not  
24 asking you to badmouth other programs, so it's not about  
25 that, please. I'm just trying to get a sense of is it

1 more so than other programs, the College of Music?

2 A. There are a number of programs that are very  
3 highly ranked across the university and others that do  
4 not have as high of a ranking. The same is true within  
5 the College of Music; that there is some programs that  
6 are more well known than others.

7 Q. How well known is the music theory program at  
8 the University of North Texas compared to peer programs  
9 at other universities?

10 A. I couldn't speak specifically to the music  
11 theory program. It is the music performance program that  
12 is the most well known.

13 Q. Does it rank highly nationally?

14 A. Which program?

15 Q. The one you just mentioned. The performance  
16 program.

17 A. Yes.

18 Q. And if you know, how highly is the University  
19 of North Texas overall ranked nationally?

20 A. It would depend on the ranking institution that  
21 you were looking at.

22 Q. Well, I don't know. U.S. News & World Reports.  
23 That's a very common one.

24 A. I would say that UNT is ranked in the upper  
25 200s nationally.

1 Q. And is the College of Music ranked higher than  
2 the general ranking of the university?

3 A. U.S. News & World Report does not rank music  
4 schools.

5 Q. Do you know of any rankings of programs like  
6 the College of Music?

7 A. Billboard magazine, for example, has a ranking  
8 of music performance programs. And if I recall, they're  
9 typically ranked the top 25 nationally.

10 Q. Okay. So whereas the university is ranked in  
11 the, I guess, upper 200s. Is that how you put it?

12 A. Yeah. I think that's fair.

13 Q. 200 and above?

14 A. That's fair.

15 Q. But -- so we can at least agree that the  
16 College of Music, by ranking 25th and above, is -- has a  
17 higher weight, if you want to call it that, than the  
18 university as a whole?

19 MS. QUIMBY: Objection, form.

20 A. I want to be cautious in how you frame that.  
21 The -- there are far fewer music schools than there are  
22 universities. And so it's a relative weighting but --

23 Q. (By Mr. Allen) Sure.

24 A. -- generally speaking, the College of Music's  
25 reputation exceeds that of the university as a whole.

1 Q. Thank you. Moving on to this special status at  
2 the University of North Texas that it's bestowed on  
3 faculty called Distinguished University Research  
4 Professor. Did I get that right?

5 A. Yes. That is one of the titles.

6 Q. Can you explain what a university --  
7 Distinguished University Research Professor is?

8 A. It's a title that is bestowed upon a university  
9 professor based on their record of scholarly  
10 accomplishments. It is a committee that reviews  
11 nominations each year, and they select faculty that they  
12 think best represent the qualifications.

13 Q. What's the name of the committee, if you know?

14 A. I don't recall the name of the committee, but  
15 it would be something like the Faculty Awards Committee.

16 Q. Okay. And do you know how -- excuse me. Let  
17 me back up. It's not a permanent designation, is it,  
18 like an endowed chair?

19 A. No. It is up for review periodically, and  
20 there is a limit to the number of people in the  
21 university that can hold that title.

22 Q. How many are there total, if you know?

23 A. I don't recall that number.

24 Q. Do you know in a ballpark? Like is it more  
25 than ten?

1           A.     I would say it represents no more than one to  
2 two percentage of the faculty.

3           Q.     Okay. How many faculty total at the University  
4 of North Texas?

5           A.     Order of magnitude, 1,200, but a portion of  
6 those would be tenure system which are the ones that  
7 could be potentially eligible for this so, say, 600 or so  
8 tenure system faculty.

9           Q.     Okay. Is a tenure system meaning the same as  
10 tenure track?

11          A.     Correct.

12          Q.     Okay. So of approximately 600 professors --  
13 and I understand that's not an exact number -- about one  
14 to two would be chosen? And I'm not trying to put words  
15 in your mouth. Is that correct? One or two percent  
16 would be chosen as Distinguished University Research  
17 Professors?

18          A.     You'd have to look at the explicit criteria,  
19 but I think it's fair to say that it's a limited number  
20 of faculty on the campus.

21          Q.     And, of course, they're spread throughout the  
22 disciplines, correct?

23          A.     Correct. They're not all located in the  
24 College of Music.

25          Q.     And here is my followup question. It's not the

1 case that there is a Distinguished University Research  
2 Professorship designated for each discipline, is it?

3 A. Correct. It's a university-wide designation.

4 Q. And it's merit based.

5 A. Correct.

6 Q. Predominantly based on research achievements.

7 A. Correct.

8 Q. And you said they are evaluated periodically,  
9 right?

10 A. Correct.

11 Q. And do you recall how often they are evaluated  
12 to maintain that status?

13 A. I don't recall the exact number of years but,  
14 ballpark, every five or six years.

15 Q. Okay. What are the perquisites that come with  
16 a Distinguished University Professorship?

17 A. There is the title of University Distinguished  
18 Professor, and then there is a compensation that comes  
19 with that recognition. It's a nominal compensation.

20 Q. Approximately how much?

21 A. I'd have to review the criteria. I don't  
22 recall off the top of my head.

23 Q. You said it's nominal. Does that mean it's not  
24 -- it's not a significant percentage of their salary, for  
25 lack of a better metric?



1 A. Correct.

2 Q. Okay.

3 A. It's an acknowledgment of the recognition and  
4 achievement.

5 Q. Do they get any research funds?

6 A. I don't recall that.

7 Q. And in assessing their achievements, when  
8 someone goes up for a Distinguished University Research  
9 Professorship, are their achievements measured by the  
10 standards of their field?

11 A. Their colleagues would submit a nomination that  
12 was positioned around why their scholarship has created  
13 substantial impact.

14 Q. Thank you. And you're aware that Timothy  
15 Jackson was a Distinguished University Research  
16 Professor?

17 A. I am.

18 Q. And to your knowledge still is, correct?

19 A. I have no knowledge since I left the university  
20 of his particular title.

21 Q. There is no prohibition at the University of  
22 North Texas against professors publishing on issues  
23 outside their immediate field of research, right?

24 A. Correct.

25 Q. And in fact that's quite normal, isn't it?

1           A.     It's entirely possible for a faculty member to  
2 publish outside of their field. Their annual reviews and  
3 promotions would be largely dependent on publications in  
4 their field.

5           Q.     Is there a level of scholarly achievement that  
6 is required to become a division chair?

7           A.     The qualifications and criteria to become a  
8 division chair are not based on a scholarly record.

9           Q.     So is your answer no?

10          A.     Can you repeat the question?

11          Q.     Is there a level of scholarly achievement  
12 required to become a division chair?

13          A.     There is not a specific requirement.  
14 Generally speaking, a faculty and leadership would be  
15 looking for some level of experience that would provide  
16 the requisite skills to lead a department.

17          Q.     So is it fair to say a record of scholarly  
18 achievement helps but it not the main qualification?

19                   MS. QUIMBY: Objection, form.

20          Q.     (By Mr. Allen) For a division chair. Excuse  
21 me.

22          A.     I would say generally speaking, a preference  
23 would be someone who is tenured and achieved the rank of  
24 tenure because of their involvement in the promotion and  
25 tenure processes. It's not a requirement, but it would

1 be a preference.

2 Q. It would be a preference, meaning a scholarly  
3 achievement? I'm just trying to figure out what you mean  
4 by it. That's all.

5 A. In order to achieve tenure, they would have a  
6 record of scholarly achievement.

7 Q. Okay. And would the answer be more or less the  
8 same if I asked you the same questions about a dean?

9 A. For a dean it would be a combination of  
10 experience in the faculty role and accomplishments as a  
11 faculty member combined with leadership experiences.

12 Q. I did want to ask you a few more questions  
13 about the University of North Texas press.

14 MR. ALLEN: And I was going to suggest,  
15 Mary, that I don't think this will take that long and  
16 maybe then we can take another break. It will be in  
17 about another hour that's gone by. Is that something  
18 that's fair?

19 MS. QUIMBY: You're asking to take a break  
20 in an hour?

21 MR. ALLEN: No, no. After this next set  
22 of questions. Well, I'm mindful that we have gone about  
23 another hour, not quite. And I was going to say I'm  
24 going to go through these questions, and then maybe we'll  
25 see if that's a time to take a break.

1 MS. QUIMBY: Yeah. I think that's fair.  
2 I think around 11:30 or 11:15 would be fine.

3 MR. ALLEN: Okay.

4 Q. (By Mr. Allen) And again is that okay with you,  
5 President Cowley?

6 A. Yes. I'd just like a lunch break at some  
7 reasonable time from 11:30 to --

8 Q. Of course.

9 A. -- to you know --

10 Q. No one wants you to starve all day. Certainly  
11 not.

12 As much as you know in your time as provost,  
13 how was the University of North Texas press organized?

14 A. During my time as the provost, the university  
15 press was under the libraries and operated within the  
16 university library.

17 Q. Do you know anything about its organizational  
18 structure? I mean this is the structure within the  
19 university. I understand that. The press itself, how  
20 was it organized?

21 A. So the director of the press reported to the  
22 dean of the university libraries, I believe.

23 Q. Who was that?

24 A. Diana Bruxvoort.

25 Q. She's the head of the libraries?

1           A.     The dean -- she was the dean of the libraries  
2 during the time that I was provost or --

3           Q.     Do you know who --

4           A.     -- for a portion of the time that I was  
5 provost.

6           Q.     And do you know who was the head of the North  
7 Texas press -- University of North Texas press? Sorry.

8           A.     His name is escaping me in the moment, but I am  
9 familiar with him.

10          Q.     If I said Christman, is that the individual?

11          A.     Yes. That's correct.

12          Q.     Do you know what his responsibilities were?

13          A.     His responsibilities were to administer the UNT  
14 press.

15          Q.     And what did those -- what did administering  
16 the UNT press involve for him?

17          A.     A range of duties. For example, they produced  
18 certain books. They had responsibility, for example, for  
19 producing the Journal of Schenkerian Studies, the final  
20 journal publication, and other -- and other publications.

21          Q.     Approximately how many journals did the  
22 University of North Texas press put out?

23          A.     That, I couldn't tell you.

24          Q.     Do you know if they published other journals in  
25 the area of music and music theory?

1 A. I couldn't tell you that.

2 Q. Now, you've already mentioned the case of the  
3 Journal of Schenkerian Studies. If it was genuinely  
4 found to have violated some sort of policies of the  
5 university, was the University of North Texas press  
6 ultimately responsible for that?

7 MS. QUIMBY: Objection, form.

8 A. Responsible for what?

9 Q. (By Mr. Allen) Well, I'm not saying anything  
10 specific. I mean, did the University of North Texas  
11 press have any responsibility for exercising oversight of  
12 the journals it published?

13 A. The journal -- I'm sorry. The UNT press, as I  
14 understand it, was responsible for publishing what the  
15 editor of the journal provided. And so they published  
16 whatever content was produced by the Journal of  
17 Schenkerian Studies.

18 So they served as the publisher. So one of the  
19 questions was around what is their process for review,  
20 and I believe that's part of what the ad hoc task force  
21 looked at.

22 Q. And just to clarify, when you say their, who  
23 are you referring to? The university press?

24 A. Let me --

25 Q. Or the journal of -- you know what I mean?

1 MR. ALLEN: Can you read the answer she  
2 gave back? It's just I don't know who their is, and it's  
3 just a point of clarification.

4 A. Okay.

5 (Requested portion read back)

6 Q. (By Mr. Allen) So the clarifying question was  
7 just their process over the view. Which -- who were you  
8 referring to there? The university press or the Journal  
9 of Schenkerian Studies?

10 A. Oh, you mean the reference to the ad hoc task  
11 force's charge?

12 Q. Yeah. So we have got a few layers here. You  
13 had mentioned that they were supposed to review their  
14 process for review.

15 A. The journal. The journal of --

16 (Cross-talk)

17 Q. Just the journal?

18 A. But --

19 Q. So that --

20 A. -- as part of that, they interviewed the UNT  
21 press to understand their role and involvement.

22 Q. Okay. And that's -- that's sort of my followup  
23 question. In general for journals under its label, the  
24 University of North Texas press, do you know what their  
25 responsibility was for monitoring the processes of those

1 journals?

2 A. As I recall, they did not have a direct role in  
3 monitoring those processes for the development of the  
4 journal. Their step in the process is once the content  
5 was produced, to make sure that it was published.

6 Q. More like an operations view of it. Is that  
7 fair?

8 A. You'd have to ask the editor -- I mean the  
9 journal publisher more details. But my general  
10 understanding is theirs was an operational role to make  
11 sure that the journal's content was published.

12 Q. Okay. Now, we've already discussed this  
13 Committee On Publication Ethics or called COPE. And if I  
14 say COPE, we'll know what I'm referring to, right?

15 A. Yes.

16 Q. Was COPE and its standards required by the  
17 University of North Texas press in 2020?

18 A. I can't speak to that.

19 Q. Was that something that the so-called ad hoc  
20 panel investigated?

21 MS. QUIMBY: Objection, form.

22 A. The charge to the committee was not specific to  
23 COPE. The committee in its review -- the ad hoc task  
24 force in its review process does reference COPE as it  
25 relates to a couple of items that they identified.



1 Q. (By Mr. Allen) But as you sit here today, you  
2 have no knowledge whether the University of North Texas  
3 press imposed these COPE standards on journals under its  
4 label?

5 A. I do not.

6 Q. After this investigation of the Journal for  
7 Schenkerian Studies that was conducted by the ad hoc  
8 panel, were the COPE standards imposed on the University  
9 of North Texas press?

10 A. No, not to my knowledge.

11 Q. Do you know -- and this is perhaps similar.  
12 But do you know if the University of North Texas press  
13 imposed COPE standards on any other journal? Leave out  
14 the JSS, the Journal of Schenkerian Studies. Were  
15 they --

16 A. I have no knowledge of that.

17 Q. Okay. Is there any policy at the University of  
18 North Texas while you were there that publications that  
19 don't follow COPE should be closed?

20 A. No.

21 Q. And do you understand the COPE standards to  
22 forbid anonymous publications?

23 A. The use of anonymous publications is extremely  
24 rare and unusual, but I do not believe that the COPE  
25 standards say they're not permitted.

1 Q. Thank you. And do you -- do you understand the  
2 issue that -- of potential conflict of interest when an  
3 editor publishes an article in the journal that is under  
4 their control as an editor?

5 MS. QUIMBY: Objection, form.

6 A. Can you repeat the question?

7 Q. (By Mr. Allen) Sure. Let's strike that  
8 question.

9 Let's go back to your experience. You said you  
10 were on the board of editors of at least one journal,  
11 right?

12 A. Correct.

13 Q. And I think you said more but you only gave one  
14 example as one you remembered, right?

15 A. Correct.

16 Q. And is there a conflict of interest raised by  
17 someone on the board of editors publishing in the journal  
18 on which they are one of the board members?

19 A. It would be a question of how that review  
20 process is handled to ensure that there is not a conflict  
21 of interest.

22 Q. Sure. Do you remember the journals that you  
23 worked on as a board member having an express conflict of  
24 interest policy?

25 A. I recall that as a point of conversation in

1 training for new board members, but I don't recall  
2 specifically whether there was a policy or not.

3 Q. What was the nature of those discussions?  
4 Could you be more specific? I'm just going back one  
5 second. I want to -- it's -- what was the name of the  
6 journal you gave?

7 A. The Journal of Planning Literature.

8 Q. And that was one among others. But the Journal  
9 of Planning Literature, so let's focus on that. Were you  
10 saying when you were on the board there you did some sort  
11 of training?

12 A. They had -- I'll call it an orientation for new  
13 board members. They held a board meeting and provided an  
14 overview of responsibilities and update on the journal's  
15 turnaround times and other kinds of facts and details  
16 about the journal and then talked about roles and  
17 responsibilities as a board -- editorial board member.

18 Q. And you recalled the issue of this conflict of  
19 interest that we've just discussed coming up?

20 A. I do.

21 Q. About how long was that meeting?

22 A. I believe it was a couple of hours long. But  
23 that's been more than a decade ago, so I don't recall  
24 specific details.

25 Q. I understand. But how long -- inasmuch you can

1 remember, how long did they spend talking about conflicts  
2 of interest?

3 A. I could not tell you that.

4 Q. Do you remember if it was a lengthy  
5 conversation or a short one?

6 A. I don't recall any details. Only that the  
7 topic came up.

8 Q. Do you know that board members did publish in  
9 that journal?

10 A. It would not surprise me that board members  
11 published in that journal. It's one of the top journals  
12 in the field.

13 Q. And wouldn't publication in the journal be seen  
14 as a qualification for people who were put on the board?

15 MS. QUIMBY: Objection, form.

16 A. I can't know what the editor -- how the editor  
17 decided who should be serving on that board.

18 Q. (By Mr. Allen) And I know you talked about  
19 being on the board of that journal, but you also said you  
20 had been on the board of editors of other journals. And I  
21 know you said you couldn't name them, but does any other  
22 conversation about conflict of interest stand out in your  
23 work as a board member of those other journals?

24 A. That was the one that stood out in my mind. I  
25 don't recall others.

1 Q. So coming back to COPE. Sorry. We did a  
2 little bit of a circle there. Do you understand COPE to  
3 forbid the publication by an editor in a journal under  
4 their authority?

5 MS. QUIMBY: Objection.

6 A. I don't recall that it forbids, but it needs to  
7 be carefully managed.

8 Q. (By Mr. Allen) Do you know what COPE recommends  
9 as, quote, "careful management" for those kinds of  
10 situations of conflicts of interest?

11 A. I'd have to go back and review. I believe that  
12 that was a topic that came up in the ad hoc report, but I  
13 don't recall the specific details.

14 Q. And, of course, I'm not talking about the ad  
15 hoc report. I'm talking about COPE. If you don't know,  
16 then that's fine to say so. So as for editors, let's  
17 talk about editors first. Is it safe to say you don't  
18 know in detail what COPE says other than that it should  
19 be handled carefully when an editor publishes in their  
20 own journal?

21 A. I think that's an adequate level of detail at  
22 this point that I'd want to go back and review those  
23 standards. And if I was the editor of a journal, then I  
24 would certainly be looking for counsel and wisdom if I  
25 were to pursue something like that.

1 Q. And would the same go for a member of the board  
2 of editors?

3 A. It would be typical for there to be procedures  
4 or a discussion with the editor about how to handle a  
5 submission.

6 Q. Okay. And to your knowledge, does COPE forbid  
7 non-peer reviewed articles in academic journals?

8 A. No.

9 Q. Does COPE provide guidelines for who should be  
10 invited to publish in an academic journal and under what  
11 circumstances?

12 MS. QUIMBY: Objection, form.

13 A. No. I don't believe it goes into that level of  
14 specificity.

15 Q. (By Mr. Allen) Do you know if COPE provides any  
16 guidelines on what the meaning of a commentary is in an  
17 academic journal?

18 A. I would have to review COPE guidelines.

19 Q. But as you sit here today, you're not aware of  
20 any?

21 MS. QUIMBY: Objection, form.

22 A. Not specifically.

23 Q. (By Mr. Allen) And if I asked the same question  
24 or set of questions about a quote, "symposium," would  
25 your answer be the same?

1 A. It would be the same.

2 Q. Okay. Have you heard of the Journal of  
3 Theoria? It's spelled like theory but with i-a instead  
4 of y on the end. Theoria.

5 A. I have heard of it.

6 Q. What is the Journal of Theoria?

7 A. That, I couldn't tell you. Only that it's a  
8 journal that's in the College of Music at UNT.

9 Q. Do you know if it's also published by the  
10 University of North Texas press?

11 A. I have no information on that.

12 Q. If I was to tell you it is published by the  
13 University of North Texas press, can I ask you to assume  
14 that it is?

15 A. If you state it, then I have no reason to  
16 believe it's not true.

17 Q. I'm sure your counsel will point it out to you  
18 if I'm misstating something and will have that  
19 opportunity. But my followup question is actually a  
20 pretty simple one.

21 As a provost, do you believe that the Journal  
22 of Theoria should be subject to different rules for  
23 publishing academic articles than the Journal of  
24 Schenkerian Studies which is also published by the  
25 University of North Texas press?

1           A.     I can't speak to that because I don't know what  
2 rules or procedures Theoria uses. I have no familiarity  
3 with Theoria other than simply knowing it exists.

4           Q.     Well, you certainly had one journal  
5 investigated for its procedures for publishing a  
6 symposium in 2020, right?

7           A.     Correct.

8           Q.     Should the Journal of Theoria be subject to  
9 different standards than were applied in that  
10 investigation?

11                   MS. QUIMBY: Objection, form.

12           A.     If the Society of Music Theory wrote to the  
13 university and expressed concerns over that journal, then  
14 certainly we would review the -- I would have, as the  
15 provost, reviewed that journal and its publication  
16 processes.

17           Q.     (By Mr. Allen) But you never heard of the  
18 journal for music -- excuse me. Strike that, please.

19                   You never heard of the Society for Music Theory  
20 expressing any concerns over the publication of Theoria,  
21 right?

22           A.     Correct. I do not believe my office ever  
23 received any complaints regarding Theoria.

24           Q.     And then just back to my previous question.  
25 Do you really think there should be different standards



1 for the Journal of Schenkerian Studies than there are for  
2 Theoria?

3 MS. QUIMBY: Objection, form.

4 A. Different journals will choose different forms  
5 of publication whether they're editorial reviewed or peer  
6 reviewed and have, you know, a breadth of ways of  
7 communicating. Should they all do that in a professional  
8 way? Yes.

9 Q. (By Mr. Allen) Should they be subjected to the  
10 same standards by the University of North Texas press?

11 MS. QUIMBY: Objection, form.

12 A. What do you mean by standards?

13 Q. (By Mr. Allen) Well, I don't know. You went in  
14 and, you know, investigated one journal but not the  
15 other. That's clear, right? As you just said, you just  
16 testified to that.

17 A. The reason we investigated the Journal of  
18 Schenkerian Studies is because the Society of Music  
19 Theory raised explicit concerns regarding the production  
20 of Volume 12 of the Journal of Schenkerian Studies. If  
21 any professional society wrote to the university  
22 expressing concerns over a publication, then it likewise  
23 would have received an investigation.

24 MR. ALLEN: I'm going to move to strike  
25 that answer as completely nonresponsive.

1 Q. (By Mr. Allen) If you could focus on the  
2 question I'm asking, it would go a lot faster. I know  
3 you had the Journal of Schenkerian Studies investigated,  
4 and you didn't have the Journal of Theoria investigated.  
5 We just have already established that. What I'm asking  
6 is there was an outcome by the ad hoc panel about the  
7 Journal of Schenkerian Studies, right?

8 A. The outcome was recommendations for how the  
9 Journal of Schenkerian Studies could improve.

10 Q. Okay. And should those same standards of  
11 publication be applied to all journals in the College of  
12 Music?

13 MS. QUIMBY: Objection, form.

14 A. I can't speak to other journals in the College  
15 of Music because I'm not familiar with what standards or  
16 approach they use.

17 Q. (By Mr. Allen) Would it be okay under your  
18 leadership as provost for there to be double standards?  
19 One standard for the Theoria and one standard for the  
20 Journal of Schenkerian Studies?

21 MS. QUIMBY: Objection, form.

22 A. There are different forms of publication. I  
23 have no knowledge of whether or not these other journals  
24 that you speak of have a peer review practice or other  
25 practices.

1 Q. (By Mr. Allen) So that was never of concern to  
2 you that there might be double standards in the College  
3 of Music?

4 MS. QUIMBY: Objection, form.

5 A. My concern was specific to the Journal of  
6 Schenkerian Studies and the concerns raised by the  
7 Society of Music Theory.

8 Q. (By Mr. Allen) And, you know, while you might  
9 guess by the title Theoria that Theoria is a journal of  
10 music theory, right?

11 A. But is --

12 Q. It's sort of in the title.

13 A. But music theory did not raise concerns about  
14 Theoria.

15 Q. Right. You said that, I think, about six  
16 times. My question is very different though. Should  
17 both journals of music theory be abiding by the same  
18 standards that are imposed by the University of North  
19 Texas?

20 MS. QUIMBY: Objection, form.

21 A. I don't know what standards Theoria uses, so I  
22 can't speak to that with more specificity.

23 Q. (By Mr. Allen) And you remain completely  
24 uncurious about it too, don't you?

25 MS. QUIMBY: Objection, form.

1           A.     Mr. Allen, I don't work for the University of  
2 North Texas anymore. My concerns at the present day are  
3 focused on my own institution that I work at today.

4           Q.     (By Mr. Allen) And it wouldn't bother you as  
5 provost that Theoria went along its merry way doing the  
6 same things that the Journal for Schenkerian Studies had  
7 done so long as the Society for Music Theory never  
8 complained? That's your testimony today?

9                     MS. QUIMBY: Objection, form.

10          A.     Each of our faculty members is expected to  
11 behave in professional ways and uphold standards of their  
12 disciplines. I can't speak to who the person is that's  
13 responsible for Theoria or for anything about that  
14 journal.

15          Q.     (By Mr. Allen) Are you aware that Theoria  
16 published articles without peer review?

17          A.     I'm not. As I have said, I have no knowledge  
18 of Theoria other than it is a journal.

19          Q.     So if Theoria is publishing articles without  
20 peer review, is that something that would have been a  
21 concern to you as the provost if you had known?

22                     MS. QUIMBY: Objection, form.

23          A.     Not necessarily. If they were producing  
24 another form of review such as editorial review and doing  
25 that in a professional way, that's not at issue.

1 Q. (By Mr. Allen) So it can be done in a  
2 professional way to publish articles without peer review,  
3 correct?

4 MS. QUIMBY: Objection, form.

5 A. Correct.

6 Q. (By Mr. Allen) And you're aware that another  
7 author who is not a University of North Texas employee  
8 named Philip Ewell was at the center of this controversy  
9 surrounding the Journal for Schenkerian Studies, right?

10 A. I am aware that there was a speech that  
11 Dr. Ewell -- I believe his name is Ewell -- gave.

12 Q. It is E-w-e-l-l.

13 A. Okay.

14 Q. Just so we're clear. All right. And Professor  
15 Ewell has testified that his plenary address at the  
16 Society of Music Theory was published in a music theory  
17 journal called Spectrum which is maintained by the  
18 Society for Music Theory.

19 A. I have no --

20 Q. I don't suppose -- you don't have any knowledge  
21 of that, right?

22 A. Correct.

23 Q. And he testified that that article was  
24 published without peer review. Is that proper?

25 MS. QUIMBY: Objection, form.

1           A.     There is nothing saying that one has to use  
2 peer review. If you're going to choose peer review,  
3 editorial review, you know, some other form, then there  
4 are professional practices that are associated with how  
5 each of those are executed. I cannot speak to Spectrum  
6 or any other journal, as I have no knowledge of those.

7           Q.     (By Mr. Allen) Wouldn't it be a double standard  
8 if the Society of Music Theory was complaining about an  
9 article critical of Professor Ewell that was published in  
10 the Journal for Schenkerian Studies being published  
11 without peer review but was happy to publish Philip Ewell  
12 without peer review? Isn't that a double standard?

13                   MS. QUIMBY: Objection, form.

14           A.     I can't speak to that without context. If the  
15 professional standards were being used by another journal  
16 that Dr. Ewell published in then --

17           Q.     (By Mr. Allen) We're talking -- just --

18                   MR. ALLEN: I move to strike that as  
19 nonresponsive.

20           Q.     (By Mr. Allen) We're talking about the context  
21 of whether it was peer reviewed or not. Is that clear?  
22 One article is published by Philip Ewell without peer  
23 review in Spectrum, a Journal of Music Theory Society, or  
24 the Society for Music Theory.

25                   Another is published critical of Philip Ewell

1 by another journal, the Journal of Schenkerian Studies,  
2 without peer review. But the Society for Music Theory is  
3 terribly upset about the one critical of Philip Ewell.  
4 Isn't that a double standard?

5 MS. QUIMBY: Objection, form.

6 A. You would have to talk to the Society of Music  
7 Theory. I can't speak for them.

8 Q. (By Mr. Allen) Wouldn't that be relevant to  
9 your ad hoc panel investigation?

10 MS. QUIMBY: Objection, form.

11 A. The charge of the panel was specifically to  
12 look at the Journal of Schenkerian Studies, not to look  
13 at other journals. They were to look at the practices of  
14 how Volume 12 was produced.

15 Q. (By Mr. Allen) So it wasn't relevant at all to  
16 the panel how other journals in the field published. Is  
17 that your testimony today?

18 MS. QUIMBY: Objection, form.

19 A. The University of North Texas does not publish  
20 Spectrum.

21 Q. (By Mr. Allen) No. But you're saying it wasn't  
22 relevant to the ad hoc panel's investigation to inform  
23 itself about how other journals in music theory publish  
24 to determine standards of publication?

25 MS. QUIMBY: Objection, form.

1           A.     They, as far as I know, did not review  
2 other -- other journals in music theory.

3           Q.     (By Mr. Allen) Thank you. So do you know who  
4 the faculty member Frank Heidlberger is in the Department  
5 of Music Theory, I believe, at the University of North  
6 Texas?

7           A.     I am aware that he is a faculty member in the  
8 department.

9           Q.     Do you know him personally, by any chance?

10          A.     I have met him on a handful of occasions.

11          Q.     And incidentally I don't know if the music  
12 theory program is a department. I think former  
13 division --

14          A.     They may be called divisions.

15          Q.     It's a division? Yeah.

16          A.     Yeah. Those words could be used  
17 interchangeably for our purposes.

18          Q.     Okay. And I just want to apologize if I  
19 mischaracterize it. That's all.

20          A.     Yeah.

21          Q.     But to my -- the best of my knowledge, he works  
22 in the Music Theory Department, and he is the editor of  
23 Theoria. Were you aware of that?

24          A.     I was not.

25          Q.     Are you aware that he published Philip Ewell in



1 Theoria without peer review?

2 A. I was not.

3 Q. Without this double blind peer review that  
4 we've discussed?

5 A. I was not.

6 MS. QUIMBY: Objection, form.

7 Q. (By Mr. Allen) You have never heard of any  
8 complaints that that happened, right?

9 A. No.

10 Q. Obviously the Society for Music Theory didn't  
11 complain about that or you would have investigated it,  
12 right?

13 A. If I had received a complaint from the Society  
14 for Music Theory, we would have reviewed their concerns.

15 Q. Is it your testimony that that double standard  
16 is of no concern to the ad hoc committee either?

17 MS. QUIMBY: Objection, form.

18 A. I can't say that there is a double standard.  
19 Again I don't have sufficient information to know what  
20 Theoria did or did not do.

21 Q. (By Mr. Allen) So publishing Philip Ewell in  
22 Theoria in the same year, 2020, as Timothy Jackson's  
23 article came out in the Journal for Schenkerian Studies,  
24 both without double blind peer review, that doesn't  
25 strike you as a double standard that the SMT complains

1 about one and not about the other?

2 MS. QUIMBY: Objection, form.

3 A. That is context dependent. If proper editorial  
4 review standards were followed, there may be no concern.

5 Q. What are the proper editorial review standards  
6 that you would want to be followed in that context?

7 MS. QUIMBY: Objection, form.

8 A. I would need to see the publication itself to  
9 understand the context with how it presented itself.  
10 For example, did it communicate that this was an  
11 editorial reviewed piece or not?

12 Q. (By Mr. Allen) That's something they probably  
13 should have done, right?

14 A. I can't speak to that journal.

15 Q. You can't speak to that either? You can just  
16 give a yes or no answer. You can't speak to that either?

17 A. I can't speak to that.

18 Q. Do you think it would be relevant for the ad  
19 hoc panel, convened to investigate the Journal for  
20 Schenkerian Studies, that they inform themselves of  
21 Theoria's publication practices?

22 A. That was not their charge.

23 Q. So that wouldn't be relevant either, right?

24 A. That wasn't part of the charge.

25 Q. Does that mean it's not relevant?

1           A.     I can't speak to that. It was not part of the  
2 explicit charge to the ad hoc task force.

3           Q.     And you wanted them to sort of just follow your  
4 orders, right?

5                     MS. QUIMBY: Objection, form.

6           A.     I gave the specific charge to review Volume 12  
7 of the Journal of Schenkerian Studies.

8           Q.     (By Mr. Allen) And you wanted them to follow  
9 your orders, right?

10          A.     I expected them to follow the specific charge  
11 which was to evaluate the Journal of Schenkerian Studies,  
12 Volume 12.

13          Q.     Did you have any evidence that they didn't  
14 follow your so-called charge?

15          A.     I don't have any evidence of that.

16          Q.     How is a charge different from an order to do  
17 something? Maybe you could explain that to me. I don't  
18 really understand.

19          A.     A committee is often given a charge to say this  
20 is what we want you to take on.

21          Q.     And they do it, right?

22          A.     Yes. Typically the committee would review the  
23 matter that they were being asked to review.

24          Q.     And so you want them to do what you tell them  
25 to do, right?

1           A.     I want them to review the matter they were  
2 asked to review.

3           Q.     Were you aware that Frank Heidelberger published  
4 in Theoria, his own journal?

5                     MS. QUIMBY:  Objection, form.

6           A.     I have repeatedly told you I have no knowledge  
7 of Theoria other than it is a journal that exists, so I  
8 have no knowledge.  So this line of questioning, you're  
9 free to ask but you're going to get the same response  
10 each time that I simply have no knowledge.

11          Q.     (By Mr. Allen) And you didn't inform yourself  
12 either, right?

13                     MS. QUIMBY:  Objection, form.

14          A.     I have not read Theoria, nor would I have a  
15 reason to read Theoria.

16          Q.     (By Mr. Allen) If you knew that Theoria was  
17 publishing its editor without a conflict of interest  
18 policy, would that be of concern to you as a provost?

19                     MS. QUIMBY:  Objection, form.

20          A.     I can't speak to the specific context.

21          Q.     (By Mr. Allen) What more about the context do  
22 you need to know?  It has no conflict of interest policy.  
23 Please assume that.  And Frank Heidelberger publishes in  
24 it.  Please assume that.  That would not be of concern to  
25 you as provost when you were having another journal

1 investigated for the same exact thing?

2 A. If there were serious concerns --

3 MS. QUIMBY: Form.

4 A. -- raised then I would have done the same thing  
5 I did with the Journal of Schenkerian Studies which is to  
6 charge a task force and ask them to review the matter.

7 Q. (By Mr. Allen) So what you're saying is that  
8 you were sort of taking your direction from the Society  
9 for Music Theory?

10 MS. QUIMBY: Objection, form.

11 A. The Society for Music Theory is the one that  
12 raised the concerns about the publication. As both the  
13 university that had editorial as well as publication  
14 responsibilities, we reviewed the matter.

15 Q. (By Mr. Allen) So is your answer yes? You  
16 basically took the cue from the Society for Music Theory?

17 MS. QUIMBY: Objection, form.

18 A. I took the concerns raised by the Society of  
19 Music Theory and investigated their concerns as it  
20 relates to the publication of Volume 12 of the Journal of  
21 Schenkerian Studies.

22 Q. (By Mr. Allen) Were you aware of a single  
23 instance in which Theoria, while you were provost,  
24 published anything that was considered controversial?

25 A. I have no knowledge.

1 MR. ALLEN: Can we go off the record,  
2 please?

3 VIDEOGRAPHER: Off the record, 11:36.

4 (Recess taken from 11:36 to 11:49)

5 VIDEOGRAPHER: On the record, 11:49.

6 Q. (By Mr. Allen) So, President Cowley, I wanted  
7 to go into the Schenker controversy which has been in the  
8 background of all of our questions here. When did the  
9 controversy surrounding the Journal of Schenkerian  
10 Studies first come to your attention as provost?

11 MS. QUIMBY: Objection, form.

12 A. I recall it was around the summer of 2020.

13 Q. (By Mr. Allen) And how did it come to your  
14 attention?

15 A. The Society for Music Theory issued a letter  
16 that was provided to my office, and I understood that  
17 there were letters from faculty and students as well.

18 Q. Did you see any of the faculty or student  
19 letters?

20 A. I did.

21 Q. When did those come to your attention?

22 A. It would have been in the same general time  
23 period. I don't recall specific dates.

24 Q. Do you recall what the student letter said?

25 A. Not the details.

1 Q. Do you recall what the faculty letter said?

2 A. I recall the faculty letter raised concerns  
3 relative to the publication of the journal.

4 Q. Anything else?

5 A. I believe they also raised some concerns around  
6 the treatment of Dr. Ewell's work.

7 Q. What -- excuse me. Anything else?

8 A. That's what I recall at the moment. If you  
9 want to show me the letter, I'd be happy to review it.

10 Q. Well, one of the purposes is asking what you  
11 know and then we can look at -- we may look at it. I  
12 don't know. But that's one of the purposes now. Do you  
13 remember the faculty letter incorporating the student  
14 letter by reference?

15 MS. QUIMBY: Objection, form.

16 A. I don't recall that. There may have been a  
17 link. I don't remember.

18 Q. (By Mr. Allen) Do you remember learning of the  
19 student letter through the faculty letter, by any chance?

20 A. I don't recall how I learned.

21 Q. And you said they raised concerns about the way  
22 the journal was organized. Is that -- or something to  
23 that effect or run?

24 MS. QUIMBY: Objection, form.

25 A. They raised concerns about the publication

1 process.

2 Q. (By Mr. Allen) Okay. And what were those  
3 concerns, to the best of your memory now?

4 A. That, I don't recall.

5 Q. And you said they raised concerns about the  
6 treatment of Philip Ewell, right?

7 MS. QUIMBY: Objection.

8 A. Of his work, of his scholarship.

9 Q. (By Mr. Allen) And what were those concerns  
10 about the treatment of his scholarship?

11 A. That, I don't recall.

12 Q. Does the Society for Music Theory have any  
13 organizational relationship to UNT?

14 A. I believe some of our faculty are members of  
15 the Society of Music Theory.

16 Q. Is there any obligation of the University of  
17 North Texas to consult the Society for Music Theory?

18 A. No. Well, okay. Let me say in the context of  
19 a journal publication, but I don't know whether there is  
20 any accreditation or other kinds of professional  
21 relationships. That would live within music theory.  
22 That would be a departmental question.

23 Q. But there is none to your knowledge, right?

24 A. None to my knowledge.

25 Q. And you don't remember any of the specific



1 concerns, I believe you said earlier, that the student  
2 letter raised?

3 A. I don't recall the details of the student  
4 letter.

5 Q. How were these letters circulated?

6 A. You mean -- do you mean how did I receive?

7 Q. Well, let me back up. You're referring to them  
8 as letters, right? Did you get them as letters?

9 A. Could you explain what --

10 Q. Like in the mail? Well, I don't know. Mostly  
11 we get letters in the mail. So you didn't get them in  
12 the mail, right?

13 A. They were emailed.

14 Q. You got it in email?

15 A. I believe.

16 Q. Did you get them on social media?

17 A. No.

18 Q. And what -- what occurred next, as you remember  
19 it?

20 A. So I recall at the time, the Society of Music  
21 Theory submitted a letter, that the dean made me aware of  
22 this letter correspondence. And I contemplated what  
23 appropriate next steps would be.

24 Q. Had the dean done anything by that time?

25 MS. QUIMBY: Objection, form.

1           A.     I don't recall the exact timeline of who did  
2 what when.

3           Q.     (By Mr. Allen) Okay. I'm going to start  
4 introducing some exhibits.

5           A.     Okay.

6           Q.     And perhaps your counsel has advised you about  
7 this, but from time to time, I'll present you with  
8 documents. We'll give them an exhibit number. They get  
9 to see them. You get to see them, and then I'll ask you  
10 questions about them.

11          A.     Okay. I'm going to remove myself from the  
12 spotlight to make it easier. That way I can see whatever  
13 it is you're presenting if that's okay.

14          Q.     I still want to see you but, yeah, I mean,  
15 obviously I want you to be comfortable. Can you see the  
16 exhibit as I put it on screen?

17          A.     Yes, I can.

18                   MR. ALLEN: Now, I should have introduced  
19 this earlier, but I'm introducing for the record Exhibit  
20 1, a document that's captioned re: Notice of taking  
21 deposition.

22                   (Deposition Exhibit No. 1 was marked)

23          Q.     (By Mr. Allen) Do you recognize this document,  
24 President Cowley?

25          A.     I do not recognize it.

1 Q. Is it your understanding that you appeared at  
2 this deposition today in response to this document?

3 A. I am at this deposition, yes.

4 Q. Did you respond to the notice of deposition  
5 served by plaintiff in this case?

6 A. My counsel would have helped me with that  
7 process.

8 MR. ALLEN: I'm going to mark for the  
9 purposes of the record Exhibit 2. It's an email from  
10 John Richmond on July 31, 2020.

11 (Deposition Exhibit No. 2 was marked)

12 A. I'll just note that not all of the email is  
13 visible because of the way the slider is set up, so it's  
14 partially cut off.

15 Q. (By Mr. Allen) Thanks for pointing that out.  
16 I wasn't aware of that, and I'm going to try to fix  
17 it -- what we need to do. Is that all visible now to  
18 you?

19 A. Yes. It is now. Thank you.

20 Q. Okay. Likewise. Thanks for pointing that out  
21 to me.

22 A. I have read the document.

23 Q. Thanks. Do you remember getting this email?

24 A. Yes, I do.

25 Q. And you're on the CC line, right?

1 A. Correct.

2 Q. And just for the purposes of the record, that  
3 email Jennifer.Cowley@UNT.edu, that was your official  
4 email?

5 A. That's correct.

6 Q. So if there is any email in the record that has  
7 that email in one of the lines, we can associate that  
8 with you in your position as provost, correct?

9 MS. QUIMBY: Objection, form.

10 A. Generally speaking, yes. I did receive emails  
11 as a faculty member at UNT, but it's unlikely I would  
12 have received emails about this matter as a faculty.

13 Q. (By Mr. Allen) Did you have a separate email as  
14 a faculty member?

15 A. No. It was the same email address, but  
16 students might choose to email me asking questions about  
17 planning, that sort of thing.

18 Q. Did you use any other email to conduct the  
19 business of provost?

20 A. This was my official email as provost.

21 Q. Okay. So this is July 31st, 2020, at 9:30 in  
22 the morning, more or less, 9:35. And Dean Richmond is  
23 announcing a formal investigation, correct?

24 A. That's what it appears to say.

25 Q. Had you discussed this with him beforehand?

1           A.     I don't recall the exact timeline of when we  
2 spoke, but we did have a conversation about the provost  
3 office engaging in a review of the publication.

4           Q.     And just so I understand correctly, did Dean  
5 Richmond have independent authority to investigate the  
6 Journal of Schenkerian Studies?

7           A.     The college could certainly have the ability to  
8 review some matters. I'm not clear exactly from this  
9 email precisely what was intended to be investigated.  
10 But the provost's office took the responsibility of  
11 forming an ad hoc task force to review the publication of  
12 Volume 12.

13          Q.     Okay. And we'll get to that in a minute. I  
14 guess my question is a little different. Let me ask a  
15 different one. Dean Richmond of the College of Music,  
16 did he have any authority over the University of North  
17 Texas press?

18          A.     He does not.

19          Q.     And if you know, could he independently  
20 investigate a journal published by the University of  
21 North Texas press?

22                   MS. QUIMBY: Objection, form.

23          A.     He would certainly have the ability to have  
24 conversations with -- with key members that would be  
25 involved in a journal.

1 Q. (By Mr. Allen) Let me rephrase the question a  
2 bit. Did he have the authority to conduct an official  
3 investigation of a journal published by the University of  
4 North Texas press?

5 A. The journal is in the College of Music, so he  
6 would be -- it would be possible for him to review a  
7 journal. What I suspect -- I won't suspect. I'll leave  
8 it at that.

9 Q. Well, what I'm trying to figure out is if --  
10 well, let me ask this. Was this formal investigation, is  
11 he referring to the investigation conducted in  
12 conjunction with your office?

13 A. I can't speak to what Dr. Richmond was  
14 communicating in that message. What I can say is that  
15 the provost office was the one who led the review of the  
16 Journal of Schenkerian Studies.

17 Q. Okay. And if he was -- let me put it this way.  
18 If he was stepping beyond his authority and CC'ing you on  
19 it as the provost, we would expect you to send an email  
20 correcting that's, I guess, exceeding his authority,  
21 wouldn't we?

22 MS. QUIMBY: Objection.

23 Q. (By Mr. Allen) Let me strike that question.  
24 Your attorney is probably correct.

25 If this was improper for him to begin an

1 investigation without your authorization, you certainly  
2 would have responded to that, right?

3 MS. QUIMBY: Objection, form.

4 A. The dean and I certainly had a conversation  
5 regarding what role the provost office would have and the  
6 formation of the ad hoc -- that I would take on the  
7 formation of an ad hoc task force to review the matter of  
8 the journal.

9 Q. (By Mr. Allen) And did you do that before he  
10 made this announcement?

11 A. The task force commenced in August, so a  
12 decision regarding the provost office launching a review  
13 would have been roughly around this time. But it took a  
14 couple of weeks to request members to join, to have them  
15 accept, and then to launch their first meeting.

16 Q. Sure. So what I'm trying to get at is if he's  
17 doing this with your authority or not.

18 MS. QUIMBY: Objection, form.

19 A. I can't speak to what Dr. Richmond was saying,  
20 you know (inaudible).

21 Q. (By Mr. Allen) Well, you can speak to what's  
22 said in the email. And I'm not interested in what he was  
23 saying to you or thinking right that. I'm asking was  
24 this sent with your authority?

25 MS. QUIMBY: Objection, form.

1 Q. (By Mr. Allen) Do you approve of this?

2 A. Dean Richmond clearly drafted this message.  
3 What I'm communicating is the investigation happened  
4 through the office of the provost through the ad hoc task  
5 force.

6 Q. But you're not able to testify, as you sit here  
7 today, whether when he says we've begun a formal  
8 investigation, that that is the same thing as the  
9 investigation you authorized through the ad hoc panel?

10 A. I can't speak to that.

11 Q. If he was acting outside the scope of his  
12 authority, was that something that you would approve?

13 MS. QUIMBY: Objection, form.

14 A. The dean and I coordinated so that he was aware  
15 that the provost's office would be conducting a review of  
16 the Journal of Schenkerian Studies. I am not aware that  
17 he undertook any other investigation outside of what the  
18 provost office undertook.

19 Q. (By Mr. Allen) Is it fair to say since you're  
20 CC'd on this email that you knew of the controversy by  
21 this time, July 31st?

22 MS. QUIMBY: Objection, form.

23 A. I was aware in the summertime, and it seems by  
24 this email that certainly I would have been aware by this  
25 point in July.



1 Q. (By Mr. Allen) Now, it also says, The  
2 university, the College of Music, and the Division of  
3 Music, Theory, and Ethnomusicology reaffirm our  
4 dedication to combating racism on campus and across all  
5 academic disciplines.

6 Do you see that line?

7 A. I do see that line.

8 Q. What is the, quote, "dedication to combating  
9 racism on campus and across all academic disciplines"  
10 that he's referring to?

11 A. I can't speak to that. You'd have to ask Dean  
12 Richmond.

13 Q. Do you believe he said that as something he was  
14 simply making up on the spot?

15 MS. QUIMBY: Objection, form.

16 A. I have no knowledge of what Dean Richmond was  
17 thinking when he made that statement.

18 Q. (By Mr. Allen) He's not referring to a policy  
19 of the provost's office?

20 MS. QUIMBY: Objection, form.

21 A. There is not a policy in the provost office  
22 that would directly speak to racism.

23 Q. (By Mr. Allen) He's not addressing a policy of  
24 the president's office?

25 MS. QUIMBY: Objection, form.

1           A.     It's unclear what policy he is referring to, if  
2 at all.

3           Q.     (By Mr. Allen) Was the school dedicated to  
4 combating racism?

5           A.     That's a conversation you'd have to have with  
6 Dean Richmond.

7           Q.     Was the university dedicated to combating  
8 racism?

9           A.     The university was dedicated to filling its  
10 mission which we've discussed earlier.

11          Q.     Is he referring to that mission here?

12          A.     It does not appear that he's referring to the  
13 mission.

14          Q.     But you don't have any idea what he's referring  
15 to then?

16          A.     No. You would have to speak to Dean Richmond.

17          Q.     Did you understand from this message that  
18 investigating the Journal of Schenkerian Studies was part  
19 of a dedication to combating racism?

20          A.     I don't recall that conclusion.

21          Q.     The fact that he said that he reaffirms our  
22 dedication to combating racism right after he said he was  
23 going to investigate the journal leads you to believe  
24 they were unconnected?

25                   MS. QUIMBY: Objection, form.

1           A.     You would have to speak to Dean Richmond about  
2 what his intent was.

3           Q.     (By Mr. Allen) I'm asking what you understood.  
4 I didn't ask about his intent. Could you please answer  
5 the question as asked?

6           A.     As I read this email, the part I'm focused on  
7 is what was the responsibility of the provost office.  
8 The responsibility the provost office took was related to  
9 an investigation of the conception and production of the  
10 12th Volume of the Journal of Schenkerian Studies.

11          Q.     Could you answer the question I asked you  
12 though?

13                   MR. ALLEN: Could you read the question  
14 back to the witness?

15                   Mary, we're going to be here a very long  
16 time if she won't answer the questions. We're going to  
17 be here all day if she continues to make nonresponsive  
18 answers, and I'm going to move to strike the answer as  
19 nonresponsive. If she wants to do that, we can do that,  
20 but she has to answer the question eventually. Okay?

21                   THE WITNESS: You need to calm down.

22                   MR. ALLEN: Could you read the question  
23 back to me?

24                   THE WITNESS: There is no need to be  
25 agitated. This is a professional dialogue.

1 Q. (By Mr. Allen) (Inaudible) do not answer  
2 questions that you are asked, Professor Cowley. Maybe  
3 you can do that at the University of Texas Arlington.  
4 But here I would prefer that you would answer questions  
5 as asked.

6 A. And I would prefer --

7 MR. ALLEN: Can you read the question?

8 A. -- that you calm down and behave in a  
9 professional manner.

10 Q. (By Mr. Allen) What about my -- what about my  
11 behavior do you find unprofessional since this seems to  
12 be a big topic as provost of the University of North  
13 Texas?

14 MS. QUIMBY: Can we move on? Can we move  
15 on and reread the question like you've asked a couple  
16 seconds ago instead of badgering the witness?

17 MR. ALLEN: I'm not badgering the witness.  
18 She's not answering.

19 Could you reread the question to the  
20 witness, please, Madam Court Reporter?

21 (Requested portion read back)

22 MR. ALLEN: And the question before that  
23 was about the email. Can we go back to that one?

24 (Requested portion read back)

25 MS. QUIMBY: I'm going to renew my

1 objection to that question.

2       A.     My response is the same as it was before, that  
3 the provost office took responsibility for the formal  
4 investigation of the conception and production of the  
5 12th Volume of the Journal of Schenkerian Studies, and  
6 you have seen that charge. And so from this email, what  
7 I take away is my part of the responsibility was the  
8 investigation of the Journal of Schenkerian Studies.

9       Q.     (By Mr. Allen) And my question was did you  
10 consider the dedication to combating racism unconnected  
11 to Dean Richmond's call for a formal investigation?

12               MS. QUIMBY: Objection, form.

13       A.     I can't draw conclusions of what his intent  
14 was. What I'm telling you is the specific responsibility  
15 that the provost office took was related to the  
16 investigation of the conception and production of the  
17 12th Volume of the Journal of Schenkerian Studies.

18       Q.     (By Mr. Allen) I know. You've repeated that  
19 now, I think, four times. And I've repeated the question  
20 which I want you to ask which is -- which I want you to  
21 answer which is not about Dean Richmond's intentions.  
22 I'm asking about what you understood. Is that clear?

23       A.     And I've been clear.

24       Q.     I'm asking about what you understand. Is that  
25 clear?

1           A.     I have been clear. My answer is clear that the  
2 provost office -- my view is what my responsibility was  
3 relative to the investigation of the Journal of  
4 Schenkerian Studies.

5           Q.     And you understood these to be unconnected, the  
6 dedication to combating racism on behalf of the  
7 university and the investigation of the Journal of  
8 Schenkerian Studies?

9                     MS. QUIMBY: Objection, form.

10          A.     The charge -- the charge to the ad hoc  
11 committee was specific to the process and procedures used  
12 to produce this volume. It's not the --

13          Q.     (By Mr. Allen) And the third -- I'm sorry. I  
14 wanted you to finish.

15          A.     No. That's okay. You can go ahead.

16          Q.     Okay. The third sentence says, We likewise  
17 remain deeply committed to the highest standards of music  
18 scholarship, professional ethics, and academic freedom  
19 and academic responsibility.

20                     Did I read that correctly?

21          A.     That's what he stated.

22          Q.     Was this also unconnected to the call for a  
23 formal investigation?

24                     MS. QUIMBY: Objection, form.

25          A.     As an editor of a journal, there is an academic

1 responsibility that would be relevant.

2 Q. (By Mr. Allen) So you found the third sentence  
3 relevant but not correct?

4 MS. QUIMBY: Objection, form.

5 A. A portion of the third sentence is relevant to  
6 the investigation that my office undertook.

7 Q. (By Mr. Allen) Do you know of any document in  
8 which you informed Dean Richmond that the second sentence  
9 was not something you were going to charge the ad hoc  
10 panel with investigating?

11 A. I did not respond to this email communication,  
12 as far as I know.

13 Q. Did you tell Dean Richmond that the, quote,  
14 "dedication to combating racism" was not part of the  
15 investigation of Schenkerian Studies?

16 MS. QUIMBY: Objection, form.

17 A. I communicated to Dean Richmond what the charge  
18 of the committee -- of the ad hoc task force would be.

19 Q. (By Mr. Allen) Did you communicate to him that  
20 the dedication to combating racism was not part of the  
21 investigation of the Journal of Schenkerian Studies?

22 MS. QUIMBY: Objection, form.

23 A. We did not have that explicit conversation.  
24 What I communicated was what the charge would be.

25 MR. ALLEN: Sorry about that. I'm going

1 to mark as Exhibit 3 the following printout -- what  
2 appears to be a printout of the UNT webpage. At least it  
3 has a URL in the upper right-hand corner which seems to  
4 be cut off actually in the document we have, so I  
5 apologize for that.

6 (Deposition Exhibit No. 3 was marked)

7 A. Okay.

8 Q. (By Mr. Allen) I think you're --

9 A. The text is readable.

10 Q. Yes. I'm just going to put this one away and  
11 put it away again.

12 A. It appears that that's the same language that  
13 was in the prior email you showed, but I would have to  
14 compare the two to see if they are the same.

15 Q. Would you like me to post the other Exhibit  
16 Number 2 online again so you can see them and compare  
17 them?

18 A. It's only if you think it's relevant.

19 Q. Well, I think we can move on because the  
20 document will show that, but I just have a few brief  
21 questions about this. You agree that this is on the  
22 College of Music's website?

23 A. It appears that it's on the College of Music  
24 website, and I have no reason to question that it's not.

25 Q. And this -- the portion of the URL we have,



1 music.UNT.edu, that is the typical web address URL for  
2 the College of Music?

3 A. I have no reason to believe it's not.

4 Q. And this is also appearing over the name of not  
5 only John Richmond but Division Head Benjamin Brand,  
6 right?

7 A. Correct. Those are the two leaders.

8 Q. Now, is it your understanding that what goes up  
9 on the university's website is an official statement of  
10 the university?

11 MS. QUIMBY: Objection, form.

12 A. Not necessarily.

13 Q. (By Mr. Allen) Okay. And could they do  
14 this --

15 A. It's a statement of those two individuals.

16 Q. Right. But it's also being published on the  
17 website of the university, right?

18 MS. QUIMBY: Objection, form.

19 A. It's on the College of Music's website which is  
20 part of the university.

21 Q. (By Mr. Allen) So this is my question. Can  
22 they publish things, puts things up on the website of the  
23 university without your permission?

24 A. Yes. Just as every faculty member posts  
25 materials on the website without seeking a specific

1 approval process.

2 Q. You would agree though this isn't the personal  
3 webpage of John Richmond, right?

4 A. No.

5 Q. It's not the person --

6 A. I agree -- I agree with your statement.

7 Q. It's not the personal webpage of Benjamin  
8 Brand, right?

9 A. Correct.

10 Q. It's the webpage of the College of Music, an  
11 institution within the University of North Texas,  
12 correct?

13 A. That's correct.

14 Q. Did you know they were putting this up online?

15 A. I did not.

16 Q. And they again say they are reaffirming the  
17 university, the College of Music, and the Division of  
18 Music History, Theory, Ethnomusicology's dedication to  
19 combating racism, correct?

20 A. That is what's stated.

21 Q. And as the provost, do you know what they're  
22 talking about there that they're publishing on the  
23 College of Music's webpage?

24 A. I was not aware that this existed.

25 MR. ALLEN: So I'm marking as Exhibit 4

1 for the record a letter dated July 31st, 2020, to Laura  
2 Wright, Lesa Roe, John Richmond, Jennifer Cowley, and  
3 Benjamin Brand.

4 (Deposition Exhibit No. 4 was marked)

5 Q. (By Mr. Allen) Do you recognize this letter,  
6 President Cowley?

7 A. I recall receiving a letter like this. I  
8 presume it's the same letter.

9 MR. ALLEN: I think she's frozen. Oh,  
10 you're back.

11 Q. (By Mr. Allen) I believe you answered you do  
12 recall receiving the letter? It's just because you froze  
13 on my end. I didn't hear your answer.

14 A. Yes. I believe so. I haven't seen the  
15 contents yet, but I recall receiving a letter like this.

16 Q. And I'm not trying to keep it from you, and  
17 we'll get to that. But this is -- this is your correct  
18 address at the University of North Texas?

19 A. Correct. The provost@UNT is a generic provost  
20 office email address.

21 Q. Sure. Who is Laura Wright?

22 A. She's the chair -- was the Chair of the Board  
23 of Regents at the time for the University of North Texas  
24 System.

25 Q. Do you have any reason to believe that she

1 didn't get this?

2 A. I would have no reason to believe that.

3 Q. Did anyone from the Board of Regents, including  
4 Laura Wright, ever contact you about the Journal of  
5 Schenkerian Studies?

6 A. No one from the Board of Regents contacted me.

7 Q. And you have no knowledge of the Board of  
8 Regents doing anything about the Journal of Schenkerian  
9 Studies controversy summer of 2020?

10 A. No. I have no knowledge of that.

11 Q. Okay.

12 A. Are you asking me to read a portion of this or  
13 would you --

14 Q. If you want the whole thing, I can even email  
15 it to you or something of that nature to your counsel.  
16 But I'm going to direct you. It's not -- it's six pages.  
17 But in the interest of moving along, I want to direct  
18 your attention to specific parts of it. Is that fair?

19 A. Okay. That's fair.

20 Q. At any time, President Cowley, (inaudible) more  
21 or need more information that's in the letter to inform  
22 your testimony, just tell me. Okay?

23 A. Okay.

24 Q. I'm going to go to the first paragraph here.

25 A. Can you move the arrow to point to whether --

1 you mean the very first paragraph on the page?

2 Q. Yes.

3 A. Okay.

4 Q. See this one?

5 A. Yes.

6 Q. I should have been more specific. Thank you.

7 And in specific, the letter states, This morning, Dean  
8 Richmond -- sorry. That wasn't very felicitous since the  
9 pop-up occurred right where I was trying to show you.

10 It says, This morning, Dean John Richmond  
11 announced that the school will conduct a full  
12 investigation.

13 Do you see that?

14 A. Yes, I see that.

15 Q. Do you consider the announcement of a full  
16 investigation to be an action of the school?

17 MS. QUIMBY: Objection, form.

18 Q. (By Mr. Allen) Let me strike that. An  
19 investigation by the school is an action of the school,  
20 right?

21 MS. QUIMBY: Objection, form.

22 A. So the way it's phrased here is different than  
23 the way it was phrased in the letter that Dean Richmond  
24 sent out. I understand it's a different author, so I  
25 understand that. As we've described before, the

1 university through the provost office ultimately  
2 conducted the investigation.

3 Q. (By Mr. Allen) Right. And you consider the  
4 investigation to have been an action of the school  
5 ultimately, right?

6 A. It was an action of the provost's office.

7 Q. Okay. Thank you. Now, I just -- I just have a  
8 few more brief questions. Here are some -- actually, why  
9 don't you go ahead and read this briefly because the  
10 purpose of the letter, as it says, is to, quote, "some  
11 attachments" that were attached to this letter which are,  
12 I believe, the letters of the students and the faculty  
13 that you referred to earlier.

14 But why don't you read them, and then I'll just  
15 ask you if that is the case.

16 A. Can you unhighlight? That will make it a  
17 little easier. Thank you.

18 Q. Yeah. Let me get that. Is that all on screen  
19 for you, President Cowley?

20 A. It is. Don't scroll up any more, please.

21 Q. I will take my hands off the scroll.

22 A. Okay. I've read through the indented text on  
23 Page 3 at the top.

24 Q. Okay.

25 A. If you'd like me to read further, just let me

1 know.

2 Q. Well, let's just start with that. The graduate  
3 students sent you a letter or you received something by  
4 email from them, correct?

5 A. It was not directly from the graduate students.  
6 But I believe at some point --

7 Q. Oh, okay.

8 A. -- Dean Richmond shared the students'  
9 statement.

10 Q. Just if you remember, and I realize it's been a  
11 long time, is this a -- is this an excerpt of that  
12 communication that you received?

13 MS. QUIMBY: Objection, form.

14 A. I don't recall, but I don't have a reason to  
15 believe it would not be.

16 Q. (By Mr. Allen) And that's perfectly fair. If  
17 you could just read the -- I'll move this up so we're  
18 just dealing with the second block quote, It's my  
19 representation, and in the letter that this is the  
20 faculty statement that you received at some point which  
21 you also testified to earlier.

22 And I'm just going to ask you if, to the best  
23 of your memory, this is an excerpt of that statement you  
24 were referring to earlier in your testimony that you  
25 received in the summer timeframe?

1           A.     Yes. I have no reason to believe it's not, and  
2 I recall some of the information in here.

3           Q.     Okay. And then so this brings me to the heart  
4 of my question. This letter raises the issue of whether  
5 my client, Timothy Jackson's, rights under UNT's Policy  
6 06.035, academic freedom and academic responsibility,  
7 were being violated. Do you see that?

8           A.     Would you like me to read that paragraph?

9           Q.     You can read as much as you like, but I'm just  
10 asking to confirm that that was brought to your attention  
11 in this letter.

12          A.     Yes. It exists in this letter.

13          Q.     Okay. And to your knowledge, was there ever  
14 any investigation of the potential violation of my  
15 client's academic freedom and academic responsibility  
16 (inaudible)?

17                   MS. QUIMBY: Can you repeat that? I'm  
18 sorry. You just cut out.

19                   THE WITNESS: Yeah. You cut out.

20          Q.     (By Mr. Allen) I'm sorry. To your knowledge,  
21 was there ever any investigation of the allegations that  
22 my client's academic freedom and academic responsibility  
23 rights under this policy were being violated?

24          A.     There was not a direct investigation.  
25 However, the investigation conducted by my office was



1 restricted to the editorial and publication processes of  
2 the journal and not of Dr. Jackson himself as an  
3 individual.

4 Q. So that wasn't my question. To your knowledge,  
5 was there any investigation of Professor Jackson's  
6 allegation that the academic freedom and academic  
7 responsibility policy had been violated?

8 A. No. There was no formal investigation of his  
9 allegations that UNT Policy 06.035 was violated.

10 Q. Okay. Now I think we will come to the Ad Hoc  
11 Panel Report that you had discussed earlier.

12 A. Given that it's 12:30 and you're going to be  
13 transitioning --

14 Q. Oh, is it a time for --

15 A. -- is it an appropriate time for a lunch break?

16 Q. I'm glad you brought that up and certainly.  
17 Why don't we do that, and then I can get the exhibit up  
18 and possibly premarked with the court reporter.

19 MR. ALLEN: Shall we go off the record?

20 VIDEOGRAPHER: The time is 12:27.

21 (Recess taken form 12:27 to 1:01)

22 VIDEOGRAPHER: The time is 1:01. We're on  
23 the record.

24 MR. ALLEN: So I'm going to mark as  
25 Exhibit 4 (sic) for the record an email that appears to

1 be from Jennifer Cowley to John Ishiyama on August 3rd,  
2 2020.

3 Q. (By Mr. Allen) Do you see the exhibit?

4 A. I do.

5 Q. President Cowley?

6 A. Yes.

7 (Court Reporter made a clarification on  
8 the exhibit)

9 MR. ALLEN: I mismarked it?

10 (Court reporter made a clarification on  
11 the exhibit)

12 MR. ALLEN: Can we go off the record for a  
13 second?

14 VIDEOGRAPHER: Off the record, 1:02.

15 (Recess taken from 1:02 to 1:06)

16 VIDEOGRAPHER: On the record, 1:06.

17 MR. ALLEN: So after being instructed by  
18 the Court Reporter, we were a little off numbered on the  
19 exhibits, and I apologize, President Cowley. I'm going  
20 to mark for the record Exhibit 5 and strike the past  
21 marking of Exhibit 4. The exhibit is the same. It's an  
22 email from the witness, Jennifer Cowley, to John Ishiyama  
23 on August 3rd, 2020.

24 (Deposition Exhibit No. 5 was marked)

25 Q. (By Mr. Allen) Do you see the witness -- excuse

1 me. Do you see the exhibit, President Cowley?

2 A. I do see the exhibit.

3 Q. Do you recognize this document?

4 A. I do.

5 Q. Did you send this email?

6 A. Yes, I did.

7 Q. And you had discussed earlier that you -- you  
8 know, it takes some time in a large organization to  
9 convene a committee or a panel, as you did in the case of  
10 the ad hoc committee. And is this an email that was sent  
11 to Professor Ishiyama convening the committee?

12 A. It was not yet convening the committee. It was  
13 inviting membership on the ad hoc.

14 Q. And this is August 3rd, 2020, right?

15 A. Correct.

16 Q. So this is three days after that email by John  
17 Richmond announcing the investigation of the Journal of  
18 Schenkerian Studies and committing the university, the  
19 music school, and so forth to combating racism, correct?

20 MS. QUIMBY: Objection, form.

21 A. That is what his email said. That is not what  
22 I convened the ad hoc task force to --

23 Q. (By Mr. Allen) I understand. Sorry. I'm going  
24 to cut you off. I understand your testimony. You have  
25 testified to that, but this is three days after John

1 Richmond's announcement, correct?

2 A. It is three days after John Richmond's  
3 announcement. That is correct.

4 Q. Okay.

5 MR. ALLEN: I think I've got the right one  
6 here. Okay. I'm going to mark -- now I'm going to mark  
7 as Exhibit 6 for the record an email from Jennifer Cowley  
8 of August 6, 2020, to various professors at the  
9 University of North Texas.

10 (Deposition Exhibit No. 6 was marked)

11 Q. (By Mr. Allen) Have I characterized this  
12 document correctly?

13 A. Yes.

14 MS. QUIMBY: Can you do me a favor and  
15 zoom in just little bit? The font is a little small. I  
16 can read it, but I'm straining a bit.

17 MR. ALLEN: Let me see what I can do here.

18 MS. QUIMBY: If you can. It's not the end  
19 of the world. I'm just saying if you can zoom a bit.

20 MR. ALLEN: What I have to do, I think, is  
21 make it bigger on screen and then -- is that better?

22 MS. QUIMBY: Yes. Perfect. Thank you.

23 Q. (By Mr. Allen) And I apologize, President  
24 Cowley, but that makes me have to rearrange some things  
25 on my screen.

1           A.     I understand.

2           Q.     Here we go. Okay. Is this the charge that you  
3 discussed before?

4           A.     No.

5           Q.     What is this document?

6           A.     This is an email to panel members notifying  
7 them when we will be meeting and that I'll be issuing the  
8 charge on the 12th.

9           Q.     Okay. And so this is three days after you  
10 wrote to John Ishiyama, correct?

11          A.     Correct. I issued invitations to panel  
12 members. They responded back, yes, they would  
13 participate. And once I had a committee, then I issued  
14 this -- this email to the panel members.

15          Q.     And are all of the people in the to line, are  
16 those professors who have agreed to serve on the panel?

17          A.     They are. One accepted but then later  
18 withdrew.

19          Q.     Can you identify that individual, please?

20          A.     I believe it was Professor Dubrow.

21          Q.     Was Professor Dubrow -- that's the correct  
22 pronunciation, I hope. Was he replaced by a panel  
23 member?

24          A.     She was.

25          Q.     Sorry. She. Thank you. And who was she

1 replaced by?

2 A. It was a faculty member in the College of  
3 Business. His name is escaping me right now, but it  
4 would be in the report.

5 Q. Okay.

6 A. The Ad Hoc Panel Report.

7 Q. And except for this other professor, this is  
8 the ad hoc panel, correct?

9 A. Correct.

10 Q. And I understand you've now said that Dubrow  
11 also left for what I assume are unrelated reasons?

12 A. She chose not to participate in the panel.

13 Q. Okay. This is a statement of the University of  
14 North Texas regarding the formation of the panel,  
15 correct?

16 A. In the middle of the email, it is the statement  
17 that UTA had or -- I'm sorry -- UNT had issued regarding  
18 the formation of this panel.

19 Q. Was the statement issued in another location in  
20 addition to this email?

21 A. It was available for press inquiry if they  
22 communicated with the Office of Media Relations.

23 Q. I see.

24 A. Or University Communications.

25 Q. Was it published on the website of the

1 university as Dean Richmond had done with Benjamin Brand  
2 in the exhibit we had seen earlier?

3 A. That, I do not recall.

4 Q. Okay. So you state -- is this a statement that  
5 you crafted?

6 A. I crafted with the support of Jim Berscheidt in  
7 the Office of University Communications.

8 Q. Thank you. And the first line is the  
9 university of North Texas -- the first line of the  
10 statement -- well, let me scratch that.

11 The second sentence of the statement says, The  
12 University of North Texas is committed to academic  
13 freedom and the responsibility that goes along with this  
14 freedom. This dedication is consistent with and not in  
15 opposition to our commitment to diversity and inclusion  
16 and to the highest standards of scholarship and  
17 professional ethics.

18 Did I read that right?

19 A. You did read that correctly.

20 Q. Okay. So how -- were you concerned that the  
21 investigation of the ad hoc panel might be seen as  
22 inconsistent with diversity and inclusion?

23 A. I'm sorry.

24 MS. QUIMBY: Renaldo, I don't think you're  
25 muted.

1 MR. ALLEN: No. I think you're -- I'm  
2 sorry. If you heard that sound in the background, that  
3 might be my dog. I apologize for that.

4 MS. QUIMBY: I think there was -- I  
5 thought I heard someone's voice as well. I'm sorry. I  
6 didn't mean to interrupt for the sake of interrupting.  
7 I just wanted to --

8 MR. ALLEN: No. It wasn't -- it wasn't  
9 taken that way.

10 Q. (By Mr. Allen) So I'm just going to --

11 A. Can you repeat?

12 Q. -- try to rephrase the question. Yes. Thank  
13 you, sorry.

14 Why would you put in the statement, This  
15 commitment to academic freedom and the responsibility  
16 that goes along with this freedom (inaudible) statement  
17 about diversity and inclusion?

18 A. I'm sorry. You cut out in the middle. Can you  
19 repeat that one more time?

20 Q. Sure. Why do you express a commitment to  
21 academic freedom and responsibility along with a  
22 commitment to diversity and inclusion? Why is that  
23 included there?

24 A. I'm reflecting back. It's been, you know, a  
25 number of years since I drafted that sentence. You know,



1 there were a lot of concerns being raised from different  
2 perspectives and different individuals.

3 The intent of this particular communication was  
4 to say that the university was going to conduct a review  
5 and that this doesn't -- that this meant that we were  
6 going to look at academic responsibility and make sure  
7 that we're upholding standards.

8 Q. How could those be inconsistent with diversity  
9 and inclusion?

10 A. They might not be.

11 Q. Was anyone alleging that they were?

12 A. Was anybody alleging what was?

13 Q. Was anyone alleging that commitment to  
14 diversity and inclusion was somehow inconsistent with the  
15 commitment to academic freedom and the responsibility  
16 that goes with this freedom?

17 A. Not that I was aware of.

18 Q. Why did you put it in the statement then?

19 A. I can't recall. That was a number of years  
20 ago.

21 Q. So as you sit here today, you have no idea why  
22 you included that verbose statement in the document in  
23 Exhibit 6?

24 MS. QUIMBY: Objection, form.

25 A. I don't recall the exact reasons that I wrote

1 those particular words.

2 Q. (By Mr. Allen) Was anyone arguing that academic  
3 freedom might harm diversity on campus?

4 A. No, not that I'm aware of.

5 Q. Clearly you would not argue that, say, a racial  
6 minority is somehow harmed by academic freedom, would  
7 you?

8 MS. QUIMBY: Objection, form.

9 A. You're asking me to draw a conclusion?

10 Q. (By Mr. Allen) I'm asking you your  
11 understanding as provost. Clearly you would not argue  
12 that academic freedom would somehow harm racial  
13 minorities, would you?

14 MS. QUIMBY: Objection, form.

15 A. Yeah. You're making a statement.

16 Q. (By Mr. Allen) I'm asking a question. No.  
17 I'm asking a question. As provost would you understand  
18 academic freedom -- let me scratch that.

19 In your understanding as academic -- as the  
20 Provost of the University of North Texas, would you not  
21 agree that academic freedom would not harm racial  
22 minorities?

23 MS. QUIMBY: Objection, form.

24 A. I would say that academic freedom does not have  
25 to be inconsistent with a commitment to diversity and

1 inclusion.

2 Q. (By Mr. Allen) Would you agree that academic  
3 freedom does not harm racial minorities?

4 A. I would not make that statement.

5 Q. You do not agree with that statement?

6 MS. QUIMBY: Objection, form.

7 A. I do not agree with how you stated that  
8 statement.

9 Q. (By Mr. Allen) Do you believe academic freedom  
10 harms racial minorities, President Cowley?

11 A. That's not a statement I would make.

12 Q. I'm glad. But you will not make the statement  
13 that academic freedom does not harm racial minorities.  
14 Is that your testimony today?

15 A. Yeah. I would not make that statement.

16 Q. Can you identify any context in which academic  
17 freedom harms racial minorities?

18 A. You'd have to provide context.

19 Q. I'm asking you to provide context. Can you  
20 provide any context in which academic freedom would harm  
21 racial minorities?

22 MS. QUIMBY: Objection, form.

23 A. I'm not going to respond to that question.

24 MR. ALLEN: I'm sorry. Did you direct her  
25 not to answer?

1           A.     No. I said I'm not going to respond to that  
2 question.

3           Q.     (By Mr. Allen) Oh, I thought that was your  
4 attorney speaking. So you're refusing to answer that  
5 question. I see. Would you agree with the statement  
6 that academic freedom does not harm the inclusion of  
7 racial minorities at the University of North Texas as  
8 provost?

9                         MS. QUIMBY: Objection, form.

10          A.     Your wording is unclear.

11          Q.     (By Mr. Allen) What's unclear about it?  
12 Please explain for the record what you find unclear about  
13 the question would you agree with the statement that  
14 academic freedom does not harm the inclusion of racial  
15 minorities at the University of the North Texas?

16          A.     It's wordy and confusing. Could you simplify  
17 your statement?

18          Q.     Do you agree with the statement that the  
19 commitment to academic freedom does not harm racial  
20 inclusion?

21          A.     I would not make that statement.

22          Q.     Can you think of any context in which academic  
23 freedom harms racial inclusion?

24          A.     No. But if you want to provide an example, I  
25 could respond to that.

1 Q. But you can't provide an example yourself in  
2 your experience as provost, right?

3 A. Not off the top of my head.

4 Q. Can you provide one in your experience as the  
5 President of the University of Texas at Arlington?

6 MS. QUIMBY: Objection, form.

7 A. Not off the top of my head.

8 Q. (By Mr. Allen) Why did you choose panel members  
9 from outside the College of Music?

10 A. I purposely chose panel members outside of the  
11 College of Music because the content of the journal --  
12 journal publications was irrelevant. It was about how  
13 the conceptualization and production of the volume  
14 occurred.

15 And therefore selecting committee members that  
16 were outside of the College of Music, they brought  
17 different perspectives and different experiences relative  
18 to production of journals and would not be knowledgeable  
19 particularly about Schenkerian Studies.

20 Q. Was it the content being Schenkerian Studies  
21 that you thought was irrelevant to the panel's  
22 investigation?

23 MS. QUIMBY: Objection, form.

24 A. The charge to the committee was not based on  
25 content. Selecting committee members from outside of the

1 college meant that there was some arm's length distance,  
2 and it was unlikely that faculty members and other  
3 disciplines would have specific knowledge of the content  
4 areas being discussed in the journal.

5 Q. (By Mr. Allen) Did you ever consider getting a  
6 music theorist from outside the University of North Texas  
7 to advise the panel?

8 A. I did not.

9 Q. And would you answer the same if I said to  
10 participate in the panel? You never thought of including  
11 an outside music theorist to participate in the ad hoc  
12 panel, right?

13 A. I considered whether people involved in music  
14 should or should not be involved and made the decision  
15 that ultimately I felt it was more appropriate to exclude  
16 people from the College of Music or music generally.

17 Q. And is that -- well, strike that and move on.

18 You also said, The panel members who are  
19 outside the College of Music will examine objectively the  
20 process followed in the contention and production of  
21 Volume 12 of the Journal of Schenkerian Studies.

22 Did I read that correctly?

23 A. Correct.

24 Q. Are you able to explain now what you meant by  
25 objectively?

1           A.     My expectation is that they would collect  
2 evidence and conduct interviews that would allow them to  
3 draw reasonable conclusions as it relates to the  
4 conception and production of this volume.

5           Q.     Okay. Would that meaning of objectively, as  
6 you use it in this statement, would it qualify as  
7 objectively doing their business correctly to ignore  
8 evidence that key witnesses were lying?

9                     MS. QUIMBY: Objection, form.

10          Q.     (By Mr. Allen) Is that objective?

11          A.     You would have to provide specific evidence  
12 that that was the case.

13          Q.     So you can't say, as you sit here today,  
14 whether the definition of objective investigation, as you  
15 set forth in this statement, would basically condone  
16 ignoring a witness -- excuse me -- evidence that a  
17 witness was lying? Is that your testimony?

18                     MS. QUIMBY: Objection, form.

19          A.     Your statement was unclear.

20          Q.     (By Mr. Allen) Okay.

21          A.     It was jumbled.

22          Q.     Yeah. No. You're right. Let me strike that.  
23                     Are you able to testify today -- let me strike  
24 that again.

25                     Is it your testimony today that whatever you

1 meant by objectively set forth in this email did not  
2 encompass a requirement that the ad hoc panel be  
3 attentive to the fact that witnesses were lying to them?

4 MS. QUIMBY: Objection, form.

5 A. Participants in the process of being  
6 interviewed would be expected to share information that  
7 they believe to be truthful, and it would be up to the  
8 panel to evaluate the information that they received.

9 Q. (By Mr. Allen) So evidence of truth or untruth  
10 would be relevant to an objective inquiry, right?

11 A. Maybe. Depending on the context.

12 Q. It would be important to an objective inquiry  
13 not to exclude exculpatory evidence, right?

14 MS. QUIMBY: Objection, form.

15 A. I can't speak to that. That's context  
16 dependent.

17 Q. (By Mr. Allen) What -- in what context for the  
18 investigation of activities at the University of North  
19 Texas would it be appropriate to ignore exculpatory  
20 evidence?

21 A. I'm not suggesting it would be.

22 MS. QUIMBY: Objection, form.

23 A. We're talking specifically about this  
24 investigation and any --

25 Q. (By Mr. Allen) No. That's not true. Wait. I



1 just want to cut you off. I asked you a specific  
2 question. Can you name a context in which it would be  
3 relevant to ignore exculpatory context in an  
4 investigation at the University of North Texas?

5 You supply the context. Enlighten us what  
6 context would be appropriate in an objective  
7 investigation under your responsibility as provost to  
8 ignore exculpatory information?

9 MS. QUIMBY: Objection, form.

10 A. This is your interview. If you want to provide  
11 further context, you're welcome to. Otherwise, my answer  
12 is no.

13 Q. (By Mr. Allen) Did you expect the ad hoc panel  
14 to ignore exculpatory evidence?

15 A. My expectation is that the panel would review  
16 evidence that was presented and make determinations that  
17 would influence their recommendations.

18 Q. Does this mean you did or did not expect them  
19 to ignore exculpatory evidence?

20 MS. QUIMBY: Objection, form.

21 A. The panel was charged with reviewing evidence  
22 and determining that it's most relevant to support their  
23 recommendations -- to support the formation of  
24 recommendations.

25 Q. (By Mr. Allen) Now, you said that the

1 University of North Texas was, quote, "not investigating  
2 Timothy Jackson," closed quote, right?

3 A. The charge of the committee was to review the  
4 conception and production of Volume 12 of the Journal of  
5 Schenkerian Studies. This professor was involved in the  
6 journal and so would be part of the review process. But  
7 Dr. Jackson himself was not -- the charge was not about  
8 Dr. Jackson. It was about the journal.

9 Q. And you've said it's not -- you're not  
10 investigating the journal, right? You're just  
11 investigating Volume 12. Was that your testimony?

12 A. The conception and production of Volume 12.

13 Q. What policy or rules of the University of North  
14 Texas were being followed when this investigation was  
15 ordered?

16 MS. QUIMBY: Objection, form.

17 A. Part of this review was to determine whether or  
18 not there could have been violations of university  
19 policy. University policies are generally fairly broad,  
20 and they are not policies specific to journals themselves  
21 but could fall under other policies.

22 And so the charge of the ad hoc committee was  
23 to make a determination around whether or not there were  
24 any issues related to the conception and production of  
25 Volume 12 of the Journal of Schenkerian Studies.

1 Q. (By Mr. Allen) Was the so-called ad hoc panel  
2 following any established process for investigation  
3 established by the University of North Texas?

4 A. There are specific -- there are specific  
5 processes for certain types of policy violations.  
6 However, in this case, at the beginning of the process,  
7 it was unclear whether there were or were not any policy  
8 violations.

9 Therefore, there was not an established  
10 procedure for which one would follow. Hence, I  
11 determined the best path forward was to form an ad hoc  
12 committee to review this matter.

13 Q. So the very name ad hoc kind of indicates that  
14 there was no policy being applied, right?

15 A. I wouldn't draw that conclusion.

16 MS. QUIMBY: Objection.

17 A. But an ad hoc panel or committee are, from time  
18 to time, organized by the provost's office or other  
19 offices to review a matter that doesn't clearly fall  
20 within a specific policy or procedure.

21 Q. (By Mr. Allen) Was there ever a rules violation  
22 found by the ad hoc panel?

23 A. The panel did not find that there was a  
24 specific policy violation.

25 Q. Did the ad hoc panel find that Timothy Jackson

1 violated any rules of the university?

2 A. As I mentioned, their charge was not to review  
3 Dr. Jackson specifically but to review the production of  
4 Volume 12.

5 Q. Can you answer my question, please?

6 A. Can you repeat your question?

7 MR. ALLEN: Can you read the question to  
8 the witness, please, Madam Court Reporter?

9 (Requested portion read back)

10 A. Their recommendations were on how the Journal  
11 of Schenkerian Studies could be improved, and they were  
12 not targeted specifically at Dr. Jackson. They were  
13 targeted at how the journal could be improved.

14 Q. Does this mean your answer is, no, they didn't  
15 find that he violated any rules?

16 MS. QUIMBY: Objection, form.

17 A. The committee did not state that there were any  
18 specific policy violations by Dr. Jackson.

19 Q. (By Mr. Allen) Okay. Thank you. Now, I  
20 believe you've testified that the Ad Hoc Panel Report  
21 came out on November 25th of 2020, right?

22 A. I don't recall the date, but if you say that's  
23 when it is, I have no reason to believe otherwise.

24 Q. And then on September 7th, I believe, in  
25 advance of that, did you send a letter to Professor

1 Jackson?

2 A. Do you have a copy of that letter?

3 Q. I'm trying to find it. Yes.

4 MR. ALLEN: I'm going to mark for the  
5 record -- now I'm afraid to say where we are.

6 Madam Court Reporter, are we on Exhibit 7?

7 COURT REPORTER: Yes. We are on Exhibit  
8 7.

9 MR. ALLEN: Can I mark for the record  
10 Exhibit 7, a letter of September 7, 2020.

11 (Deposition Exhibit No. 7 was marked)

12 Q. (By Mr. Allen) And, President Cowley, bear with  
13 me. I can't stand when people do this to me, but it's  
14 almost inevitable. I've got to scroll through to show  
15 you your signature. Okay? So I'm not trying to make you  
16 cross eyed.

17 A. That is my signature.

18 Q. So now back to the top. Is it accurate to say  
19 that Exhibit 7, the letter of September 7, 2020, is a  
20 letter sent by you to Timothy Jackson?

21 A. That's correct.

22 Q. I'm sorry. Did you answer and I didn't hear  
23 it?

24 A. Yes. I said that's correct.

25 Q. Okay. I apologize. I think it -- we had a

1 little bit of a delay in the audio feed.

2 So here you tell him -- I'm just going to skip  
3 down to the third paragraph -- that the university is not  
4 investigating him or the journal, correct?

5 A. Can I read that paragraph?

6 Q. Oh, yeah. I'm not trying to rush you.

7 Please, if you want me to reposition it on the page or  
8 whatnot, just tell me.

9 A. That's okay. Okay. I've read that paragraph.

10 Q. Okay. And you inform him in the first sentence  
11 of that paragraph, The university is investigating  
12 neither you nor the Journal of Schenkerian Studies,  
13 correct?

14 A. That's what that sentence states.

15 Q. But then you go on to say that it is actually  
16 investigating Volume 12, right?

17 A. Correct. That's correct.

18 Q. But somehow that's not investigating the  
19 journal, right?

20 A. It's investigating a particular volume of the  
21 journal, a particular publication.

22 Q. And you also say here -- and I'm going to take  
23 this off -- The university has discretion, if not the  
24 obligation, to look into these circumstances, right?

25 A. Correct.

1 Q. Now, you had the discretion to look into  
2 Timothy Jackson's complaints that his colleagues were  
3 violating his academic freedom as well, did you not?

4 MS. QUIMBY: Objection, form.

5 A. As the provost, I have the ability to look into  
6 concerns that a faculty member may raise.

7 Q. (By Mr. Allen) And you're very concerned to put  
8 an end to misinformation and mischaracterization,  
9 correct, about this matter, the investigation of the  
10 Journal for Schenkerian Studies?

11 A. Into the mischaracterization about the review  
12 of Volume 12 of the Journal of Schenkerian Studies.

13 Q. Is this a concern about objectivity you're  
14 expressing here in this final sentence? Is that a fair  
15 characterization?

16 MS. QUIMBY: Objection, form.

17 A. No.

18 Q. (By Mr. Allen) You raised the issue of the  
19 grievance that Timothy Jackson brought to your attention  
20 in that letter that we looked at earlier in the  
21 deposition which was dated July 31st, 2020, in this final  
22 paragraph that begins on this first page, right?

23 A. Are you referring to his claim related to  
24 academic freedom?

25 Q. Yes.

1           A.     Okay. Just let me read that paragraph.

2           Q.     I'm going to represent that it goes onto the  
3 next page here too, so I'll move it up just a bit.

4 There you go. I'm sorry.

5           A.     That's okay. I reached the end of that  
6 paragraph.

7           Q.     I'm calling up the letter. And you -- your  
8 statement here is that apparently your counsel, the  
9 counsel of the university I assume, pointed out that he  
10 could not identify the policy under which he was filing a  
11 grievance. He, meaning Timothy Jackson, is that how you  
12 understood that sentence?

13          A.     Correct.

14          Q.     Do you recall that letter referring to the  
15 academic freedom policy of the university?

16          A.     I recall a policy number, but we'd have to go  
17 back and look at the letter.

18          Q.     And you're sort of anticipating what I was  
19 going to do here is -- this is the letter of July 31st,  
20 2020, from the law firm Allen Law, LLC, to you, Jennifer  
21 Cowley. Do you remember seeing this exhibit earlier?

22          A.     Yes, I do.

23          Q.     And I apologize to counsel and to you because  
24 of the question we have about numbering. I'm just going  
25 to refer to the letter and the record will reflect how it



1 was introduced as an exhibit. I'm going to skip down to  
2 this sentence here. Do you recall seeing this sentence  
3 earlier in the deposition?

4 A. Let me read it. I do recall.

5 Q. Absolutely.

6 A. But just let me read it. Okay. I've read that  
7 paragraph.

8 Q. And I'm going to flip back to Exhibit 7.  
9 Isn't it clear that this is a policy identified in that  
10 letter that Timothy Jackson alleged was being violated?

11 MS. QUIMBY: Objection, form.

12 A. Dr. Jackson or his counsel, whoever drafted the  
13 letter. There is no action so no action had been taken  
14 for him to grieve.

15 Q. (By Mr. Allen) Didn't you read in that letter  
16 that the investigation was already announced by Dean  
17 Richmond and that the -- I think you testified earlier  
18 that an investigation is something that is done by the  
19 university, correct?

20 A. Correct. But reviewing the publication of a  
21 journal issue does not in and of itself constitute a  
22 violation of anyone's academic freedom.

23 Q. Okay. So your testimony today is that placing  
24 the journal under investigation does not count as an  
25 action for the purposes of the violation of that policy

1 that we just discussed?

2 MS. QUIMBY: Objection, form.

3 A. The journal was not placed under investigation.  
4 There was a review of Volume 12 of that publication.

5 Q. (By Mr. Allen) So investigating a volume of a  
6 journal is not investigating the journal. Is that your  
7 testimony today?

8 A. It's not a holistic investigation of a journal.  
9 It is a review of a single publication.

10 Q. It's still an investigation, right?

11 A. Correct.

12 Q. And your testimony today is that that -- that  
13 an investigation cannot count as an action that might  
14 violate UNT Policy 06.035, academic freedom and academic  
15 responsibility?

16 A. Correct.

17 Q. Okay. I think we may be done with this one.  
18 Sorry to pause, President Cowley. I want to make sure I  
19 number my exhibits correctly going forward, so I'm trying  
20 to be more careful.

21 Did you in advance of convening the ad hoc  
22 panel, which I know you've testified there was that email  
23 that we looked at but was not the convening of the panel.  
24 And I'm not saying that but eventually it was  
25 (inaudible).

1 THE WITNESS: We can't hear you.

2 MS. QUIMBY: Yeah. You just froze for a  
3 minute.

4 MR. ALLEN: Sorry. Am I back on?

5 THE WITNESS: You are now.

6 Q. (By Mr. Allen) Sorry. I wanted to ask you a  
7 question about what happened after the panel was  
8 convened. And I'm not implying that it was convened on  
9 the day that email was sent to all the members that we  
10 discussed, but at some point it was convened, right?

11 A. Correct. Are we still referring to this  
12 document, or are we moving on to a different topic?

13 Q. No. I'm moving on to a slightly different  
14 topic.

15 A. Okay. Thank you.

16 Q. I'll put -- I'll put Exhibit 6 back up. After  
17 August 6, at some point the panel was convened, correct?

18 A. That's correct.

19 Q. And they met with you in your office, I assume?

20 A. I believe it was a virtual meeting, but I don't  
21 recall the details.

22 Q. Of course, I forget. This is the COVID era  
23 we're talking about. So was Timothy Jackson informed in  
24 advance that he would have an opportunity to respond to  
25 the Ad Hoc Panel Report?

1           A.     I don't recall that.

2           Q.     Eventually you did ask Professor Jackson to  
3 respond to the Ad Hoc Panel Report, right?

4           A.     I just want to clarify your question. Are you  
5 asking if he participated in the -- in the ad hoc panel?

6           Q.     Well, I'll strike the question.

7                     We'll move on because I think it will come up  
8 in the course of other documents. Let's say before we  
9 move on to the actual Ad Hoc Panel Report itself, did you  
10 ever as provost express concern about the Journal of  
11 Schenkerian Studies before 2020?

12          A.     No. I'm not sure I knew we had a Journal of  
13 Schenkerian Studies before 2020.

14          Q.     And if I ask you the same question about the  
15 Center for Schenkerian Studies, did you ever have any  
16 concern about the Center for Schenkerian Studies prior to  
17 2020?

18          A.     Not concerns but I cannot recall with  
19 specificity. I believe his center may have been up for  
20 review, but that may not be true. So I don't know that I  
21 had any concerns, but there is regular review processes  
22 that happened related to centers.

23          Q.     And you were aware that had -- the Center for  
24 Schenkerian Studies had been reviewed previously,  
25 correct?

1           A.     Given its length of time, I believe that would  
2 have been true.

3                     MR. ALLEN: I'm going to mark for the  
4 record Exhibit 8. This is a Center Review Report period  
5 2013 to 2016 with Bates Number JACKS\_067377.

6                     (Deposition Exhibit No. 8 was marked)

7           Q.     (By Mr. Allen) Is that visible to you,  
8 President Cowley?

9           A.     It is.

10          Q.     Now, I don't know if you have seen this  
11 document before, so I'll just ask do you see center  
12 review documents as provost?

13          A.     I typically do not. Those report to someone in  
14 my office.

15          Q.     Okay.

16          A.     And then if there are specific concerns, those  
17 could be elevated to me.

18          Q.     How often are centers reviewed?

19          A.     There is a regular review period. I don't  
20 recall the exact time period, but that's in university  
21 policy.

22          Q.     Since it's 2013 to 2016 in the title of this,  
23 is it a three year review period?

24          A.     I would not be surprised if that was the case.

25          Q.     Okay. This says reports to, and it clicks the

1 chair box here. Do you see that?

2 A. I do.

3 Q. Is that your understanding that the Center for  
4 Schenkerian Studies was supposed to report to the chair  
5 meaning Division Chair Benjamin Brand?

6 A. Well, as you see, there are two boxes checked.  
7 One that says it's an academic center that reports  
8 through the provost office, and then it reports to the  
9 chair of the Division of Music History, Theory, and  
10 Ethnomusicology.

11 Q. So was he center, I suppose? Let's say the  
12 center was responsible to reporting both to your office  
13 and to the division chair?

14 A. It would report to the chair on day-to-day  
15 matters, and then it would fall under the review of the  
16 provost's office as it relates to broader center reviews.

17 Q. Okay. And were you aware of other faculty  
18 associated with this center?

19 A. I knew there were faculty related to the  
20 center. A center is not a one person entity.

21 Q. Right, right. And I think those -- is it  
22 correct to -- I'm sorry. I can't get -- this is -- one  
23 second. This should do it. Sorry. I wanted to get this  
24 all on screen at the same time, and Adobe Acrobat wasn't  
25 cooperating.

1 This is a spreadsheet, I guess, that was  
2 printed out. Is that how that these documents are  
3 maintained by the university? It's a spreadsheet that  
4 you fill in?

5 A. This looks like a general template. I don't  
6 know if it's the identical template that was used for the  
7 later review of his center, but it doesn't look  
8 inconsistent with reports I've seen in the past.

9 Q. Okay. And there is a -- it says in this  
10 section names of center/institute administrators and  
11 staff. And it lists Timothy Jackson, Stephen Slottow,  
12 Diego Cubero, and Ellen Bakulina. Did I -- is that  
13 correct?

14 A. That would appear -- is what appears on the  
15 page.

16 Q. And you don't have any reason to believe this  
17 was false, right?

18 A. No.

19 Q. Do you know who Benjamin Graf is?

20 A. Yes.

21 Q. Was he on faculty at the time you were provost?

22 A. For a portion of the time that I was provost.  
23 I'm not exact certain the exact date he started as a  
24 faculty.

25 Q. Okay. So the last question I'll ask about

1 this, I think, is -- which you may have already answered,  
2 and I apologize. But prior to 2020, no one brought  
3 concerns to your attention that the Center for  
4 Schenkerian Studies was being mismanaged?

5 A. No.

6 MS. QUIMBY: Objection, form.

7 MR. ALLEN: I'm going to mark as -- Madam  
8 Court Reporter, are we up to 9? Exhibit 9?

9 COURT REPORTER: Yes, sir. Exhibit 9.

10 MR. ALLEN: I'm going to mark as Exhibit 9  
11 the Ad Hoc Review Panel Report, a Review of Conception  
12 and Production of Volume 12 of the Journal of Schenkerian  
13 Studies dated volume -- dated November 25, 2020.

14 (Deposition Exhibit No. 9 was marked)

15 Q. (By Mr. Allen) Did I read that correctly?

16 A. Yes.

17 Q. And do you recognize this as the Ad Hoc Panel  
18 Report that we have discussed previously in our  
19 deposition today?

20 A. Yes, I do.

21 Q. Thank you. And it's still your testimony that  
22 they weren't investigating Journal of Schenkerian Studies  
23 because they were only investigating one volume?

24 A. The charge to the committee was to review the  
25 conception and production of Volume 12.



1 Q. Now, do you know if this panel report ever made  
2 clear to Timothy Jackson in advance that he would be  
3 invited to respond?

4 MS. QUIMBY: Objection, form.

5 A. I'm not certain. I know there were some  
6 communications such as the letter you showed, but I don't  
7 recall specifically.

8 Q. (By Mr. Allen) Okay. If that was part of the  
9 process of the investigation by the ad hoc panel, would  
10 you expect them to put that in the report?

11 MS. QUIMBY: Objection, form.

12 A. I would expect that the people that they  
13 interviewed as part of their review would be included or  
14 referenced in the report.

15 Q. (By Mr. Allen) But that's not my question.  
16 That he would have a chance to respond to the  
17 investigation report. If that was going to be part of  
18 the process, would you expect them to put that in the  
19 report?

20 A. Their charge was to provide recommendations to  
21 me on their findings.

22 Q. Yeah. They have a section that goes background  
23 information and scope of review, right?

24 A. Uh-huh.

25 Q. You remember reading that, correct?

1 A. I do. I don't recall the details.

2 Q. And here it is on Page 3 to 4 of the report,  
3 correct?

4 A. Okay, yes.

5 Q. Here in our review, To begin, they say we first  
6 reviewed the concerns expressed about the journal's  
7 editorial and review processes raised in public  
8 statements raised by three different groups.

9 And they list them right here, correct?

10 A. Yes, they do.

11 Q. And you understand there were exhibits attached  
12 to the Ad Hoc Panel Report that were actually those  
13 concerns, those statements of concern that they just  
14 referenced in those three numbered paragraphs?

15 MS. QUIMBY: Objection, form.

16 A. Yes. I was aware that those were included as  
17 appendices, if you will, to the report.

18 Q. (By Mr. Allen) And here is -- I'm sorry if this  
19 overlaps. You'll see these stamps at the top of the page  
20 or because the document has been filed in court.

21 A. Okay.

22 Q. Just so I'm clear about that to you. And I'm  
23 not arguing that those were part of the document.

24 A. Okay.

25 Q. Do you see this Exhibit 2 stamp up here?

1 A. Yes, I do.

2 Q. So this was Exhibit 2 to the Ad Hoc Panel  
3 Report, and this is the Executive Board of the Society of  
4 Music Theory's statement, right?

5 A. Yes. That's what it appears to be.

6 Q. And the first line says, The Executive Board of  
7 the Society for Music Theory condemns the antiblack  
8 statements and personal ad hominem attacks on Philip  
9 Ewell perpetuated in several essays included in the  
10 symposium on Philip Ewell's 2019 SMT plenary paper  
11 published by the Journal of Schenkerian Studies, right?

12 A. You read that correctly.

13 Q. Did you understand from that -- this is the  
14 statement by the SMT which you said prompted you to  
15 convene an investigation, right?

16 A. Correct.

17 Q. And you understood -- well, let me back up.  
18 And you read it, I assume, carefully at the time, right?

19 A. Correct.

20 Q. Did you understand from that headline which we  
21 just read, the Executive Board of the Society for Music  
22 Theory condemns the antiblack statements and personal ad  
23 hominem attacks on Philip Ewell.

24 You understood that as indicating their primary  
25 concern was with the procedural methods followed by the

1 journal in publishing Volume 12?

2 MS. QUIMBY: Objection, form.

3 A. That is not the conclusion that I drew.

4 Further down in the statement, it specifically --

5 Q. (By Mr. Allen) We'll get there. Don't -- I'm  
6 just asking. Look, this will go a lot faster if you just  
7 answer the question. In the first sentence, they're  
8 primarily concerned with what they call antiblack  
9 statements and personal ad hominem attacks, right?

10 A. I do not draw the conclusion that that's their  
11 primary concern.

12 Q. Do you think that by putting it in much larger  
13 font that the rest of the statement, that that had no  
14 meaning to them?

15 MS. QUIMBY: Objection, form.

16 Q. (By Mr. Allen) Is that insignificant to you?

17 A. I cannot draw a conclusion about what the SMT  
18 executive board thought.

19 Q. And you draw no conclusion from the fact that  
20 they put that first in their statement?

21 A. I did not draw a conclusion from that being the  
22 first statement.

23 Q. Then the second statement, the executive  
24 board -- excuse me. There it is again. Sorry. No, no.  
25 This is the second statement.

1 The Executive Board of the Society for Music  
2 Theory condemns the antiblack statements and personal ad  
3 hominem attacks on Philip Ewell perpetuated in the  
4 essays.

5 And then they go -- then they say, The  
6 conception of the symposium didn't meet ethical and  
7 professional scholarly standards, right?

8 A. Yes.

9 Q. Were you aware that the Society for Music  
10 Theory has its own statements on academic freedom?

11 A. I don't recall if I was familiar with that or  
12 not.

13 Q. I'm just scrolling through this. See how this  
14 is Exhibit 3 to the Ad Hoc Panel Report?

15 A. Yes.

16 Q. And this is the one from the graduate students,  
17 right?

18 A. Correct.

19 Q. And just really quickly, is this the student  
20 statement that you earlier testified you read before you  
21 decided to convene the Ad Hoc Panel Report?

22 A. Yes.

23 Q. Excuse me. The ad hoc panel. I said report  
24 but before you convened the ad hoc panel?

25 A. Correct.

1 Q. Thank you. And as Exhibit 4, they attach this,  
2 Statement of UNT faculty on Journal of Schenkerian  
3 Studies. Did I read that correctly?

4 A. You did.

5 Q. Is this the statement by the faculty that you  
6 read?

7 A. It appears to be the statement by the faculty.  
8 I just want to clarify my recollection is that there were  
9 many things that were happening around the same period of  
10 time, and so I'm not certain of the date that each  
11 individual letter was submitted. The primary letter that  
12 alerted me we needed to undertake a review was from the  
13 -- from the Society for Music Theory.

14 Q. Okay. Yet this letter was also considered by  
15 you at that time, right?

16 A. This letter was submitted around the time of  
17 the convening of the committee.

18 Q. And I just want to call your attention to this  
19 paragraph here. Have you had a chance to read that  
20 paragraph?

21 A. Give me a moment to read it. Okay. I've read  
22 that paragraph.

23 Q. So this is the first paragraph to the faculty  
24 statement that we've been talking about. And I just --  
25 well, we'll read it into the record:

1           We, the undersigned faculty members of the  
2 University of North Texas Division of Music History,  
3 Theory, and Ethnomusicology stand in solidarity with our  
4 graduate students in their letter of condemnation of the  
5 Journal of Schenkerian Studies. We wish to stress that  
6 we are speaking for ourselves individually and not on  
7 behalf of the university;

8           The forthcoming issue, a set of responses to  
9 Dr. Philip Ewell's plenary lecture at the 2019 Society  
10 for Music Theory Annual Meeting, is replete with racial  
11 stereotypes and tropes and includes personal attacks  
12 directed at Dr. Ewell.

13           Did I read that correctly?

14           A.     You read that correctly.

15           Q.     So that's the thing they emphasized first,  
16 correct?

17           A.     That's the thing they stated first.

18           Q.     And you didn't think stating something first  
19 means you're emphasizing it more than things that come  
20 later?

21           A.     I don't draw that conclusion.

22           Q.     Then they say, To be clear, not all responses  
23 contain such egregious material. Some were thoughtful  
24 and meaningfully addressed and amplified Dr. Ewell's  
25 remarks about systemic racism in the discipline.

1 Did I read that correctly?

2 A. You read that correctly.

3 Q. So did you understand that talks or -- excuse  
4 me -- articles in the symposium of Volume 12 that, quote,  
5 "amplified Dr. Ewell's remarks" were considered by the  
6 faculty not to be egregious?

7 MS. QUIMBY: Objection, form.

8 A. Could you restate that?

9 Q. (By Mr. Allen) Sure. They say not everything  
10 was egregious, right? Not all responses contain such  
11 egregious material, right?

12 A. I think the sentence you read shares their  
13 statement.

14 Q. And says, Some were thoughtful and meaningfully  
15 addressed and amplified Dr. Ewell's remarks, right?

16 A. That's what the sentence says.

17 Q. So my question is did you understand from that  
18 that the faculty found articles in the symposium not to  
19 be egregious when they amplified Dr. Ewell's remarks?

20 MS. QUIMBY: Objection.

21 A. I didn't draw any conclusion.

22 Q. (By Mr. Allen) Only at the end they say,  
23 Dr. Ewell was not afforded the opportunity to respond in  
24 print.

25 Did I read that correctly?



1 A. You did read that correctly.

2 Q. And then they also note a lack of clearly  
3 defined peer review process which they seem very  
4 concerned about, right?

5 A. Correct. And then the next paragraph goes on  
6 to raise concerns about the editorial and publication  
7 process.

8 Q. I'm going to -- I'm going to get to that. I  
9 want to ask one more question about that. Were you aware  
10 that Dr. Ewell was sent a call for papers as part of the  
11 publishing of the symposium?

12 MS. QUIMBY: Objection, form.

13 A. I believe I became aware of that at some point.  
14 I can't recall if it was in the report or in some other  
15 communication.

16 Q. (By Mr. Allen) Is receiving a call for papers  
17 consistent with, quote, "not afforded the opportunity to  
18 respond in print"?

19 MS. QUIMBY: Objection, form.

20 A. The statement here is what the faculty's  
21 perceptions were.

22 Q. (By Mr. Allen) I know. I'm asking what your  
23 perception is as a lifelong academic published author and  
24 provost and now president of a university tasked with  
25 producing real knowledge. Is it consistent with the

1 statement that Philip Ewell was not afforded the  
2 opportunity to respond in print --

3 A. The faculty --

4 Q. -- but he got a call for papers?

5 A. The faculty raised this as a concern.

6 Dr. Jackson later conveyed that Dr. Ewell was provided an  
7 opportunity to respond or was received the call.

8 Q. Okay.

9 A. Those are --

10 Q. Is that consistent with the statement, He was  
11 not afforded the opportunity to respond? He, Ewell?

12 A. The faculty raised this as a concern. They  
13 were concerned that he had not been provided an  
14 opportunity.

15 Q. They didn't raise it a -- as a concern. They  
16 say it's a fact, right? They say it's a fact.

17 MS. QUIMBY: Objection, form.

18 A. You would have to ask the faculty members their  
19 intent.

20 Q. (By Mr. Allen) Let's -- let's ask the document  
21 that. I'm not asking about your understanding of their  
22 intent. I'm asking about your understanding. They say  
23 here in black and white, The fact that he was not  
24 afforded the opportunity to respond.

25 Did I read that right?

1 A. You read that. And then they say --

2 (Cross-talk)

3 Q. But he was --

4 A. -- unacceptable.

5 Q. -- afforded the opportunity to respond,  
6 correct, based on what you know?

7 MS. QUIMBY: Objection, form.

8 A. I later came to understand that what you just  
9 stated is true, that he was sent the call.

10 Q. (By Mr. Allen) So this is basically a lie,  
11 correct, about their colleague --

12 MS. QUIMBY: Objection, form.

13 Q. (By Mr. Allen) -- Timothy Jackson?

14 MS. QUIMBY: Objection, form.

15 A. I would not characterize it that way. The  
16 faculty had a concern. They raised it. It was reviewed,  
17 and the report finds the conclusions of the ad hoc panel.

18 Q. (By Mr. Allen) You don't think these faculty  
19 members, who are members of the Society for Music Theory,  
20 also got the call for papers?

21 A. I have no knowledge of who received what.

22 Q. You think they -- is it your impression that  
23 they just learned about the call for papers from the Ad  
24 Hoc Panel Report?

25 MS. QUIMBY: Objection, form.

1           A.     I have no idea what information these faculty  
2 members had at the time.

3           Q.     (By Mr. Allen) When you saw that this statement  
4 was inconsistent with what they had found by the ad hoc  
5 panel, did you find that to be worthy of investigation?

6                     MS. QUIMBY: Objection, form.

7           A.     Why would I investigate the faculty members for  
8 making a statement that was not fully true?

9           Q.     (By Mr. Allen) Because they're openly lying  
10 about their colleague.

11                    MS. QUIMBY: Objection.

12           Q.     (By Mr. Allen) You don't think that's  
13 concerning in an academic department?

14                    MS. QUIMBY: Objection, form.

15           A.     It's not uncommon that one makes a statement  
16 that may later be found to be untrue.

17           Q.     (By Mr. Allen) Is it common for faculty under  
18 your leadership to make comments that they affirmatively  
19 know not to be true?

20           A.     I have no knowledge that they knew that this  
21 was untrue.

22           Q.     If a faculty member got the call for papers  
23 that they knew was distributed to Philip Ewell and then  
24 made the affirmative statement that it was a fact that he  
25 was not afforded the opportunity to respond --

1 A. I'm not going to --

2 Q. -- would that be problematic?

3 A. I'm not going to go further with this. I  
4 cannot respond. You'd have to ask the faculty members  
5 what they did or did not know.

6 Q. So you're refusing to answer the question yet  
7 again?

8 A. Yes.

9 Q. Here, the next paragraph, They endorse the call  
10 for action outlined in their student letter.

11 Did I read that correctly?

12 A. You read that correctly.

13 Q. And this is a URL right here, correct?

14 A. That's correct. There is a URL.

15 Q. Is it your understanding that that linked to  
16 this Exhibit 3 statement by the students?

17 MS. QUIMBY: Objection, form.

18 A. I don't know that to be true. But if you say  
19 it is, I have no reason to question that.

20 Q. (By Mr. Allen) I am just going to stop our  
21 share screen for a moment and share -- do you see this?  
22 Is it big enough to read for you, President Cowley?

23 A. It is not large enough to read. I can see  
24 there is a document, but it would need to be enlarged.

25 Q. Oh, that's maybe too large now. Do you see

1 that?

2 A. I see that.

3 Q. So I'm just going to represent to you that this  
4 is the document that comes up online when I click on that  
5 URL.

6 A. Okay. I have no reason to believe that that's  
7 not the case.

8 Q. Is this the same statement that we have seen  
9 attached to the Ad Hoc Panel Report as the student  
10 statement?

11 MS. QUIMBY: Objection, form.

12 A. It looks similar. I have no reason to question  
13 that it's not the statement.

14 MR. ALLEN: And I'm just going to let the  
15 record reflect that I am going to print this which  
16 President Cowley and I have just examined by clicking on  
17 that link and send it to the Court Reporter and mark it  
18 as -- what are we up to, Madam Reporter? Exhibit 10?

19 COURT REPORTER: Yes, sir. Exhibit 10.  
20 (Deposition Exhibit No. 10 was marked)

21 MS. QUIMBY: Before we go on, can we take  
22 a quick five minute break?

23 MR. ALLEN: Yeah. That will allow me to  
24 get these exhibits. All right.

25 VIDEOGRAPHER: Going off the record.

(Recess taken from 2:09 to 2:18)

VIDEOGRAPHER: On the record, 2:18 p.m.

Q. (By Mr. Allen) Do you see Exhibit 9 up again, the Ad Hoc Panel Report, President Cowley?

A. No. It's showing a statement of UNT faculty.

Q. I understand. Do you see this is Exhibit 4? I'm going to take you to somewhere else in the --

A. I understand.

Q. -- panel report. Again my purpose wasn't to confuse you here. I wanted to get where they say the panel charge, so we're going to go to Page 3, the panel charge. And I just want to clarify something. Do you see this is the section on Page 3 of the document --

A. Yes.

Q. -- on the panel charge?

A. Yes. I see that.

Q. This would have been the charge that you conveyed to the panel, correct?

A. Can I read it, please?

Q. Oh, absolutely. I didn't mean to rush you through it.

A. Okay. I have now read that.

Q. So it says here on August 6, 2020, they received the -- an email from you inviting them to be members of the panel, right?

1 A. Correct.

2 Q. That email is going to be attached as Exhibit  
3 1, right?

4 A. I believe so.

5 Q. And by that, I mean Exhibit 1 to the Ad Hoc  
6 Panel Report which we've introduced into the record here  
7 for this deposition as Exhibit 9.

8 A. Okay.

9 Q. And then they quote in that email, The provost,  
10 meaning you, stated that the purpose of the panel was to  
11 examine objectively the process -- the processes  
12 following -- followed in the conception and production of  
13 Volume 12 of the Journal of Schenkerian Studies, right?

14 A. Correct.

15 Q. So I just want to take you to Exhibit 1.  
16 Scrolling through the document is this one, right?

17 A. Yes.

18 Q. And I just want you to confirm -- we talked  
19 about this before, I believe. And I just want to confirm  
20 that Exhibit 1 in this Ad Hoc Panel Report is, in fact,  
21 the same email as Exhibit 6, I believe we marked in the  
22 record earlier, which was your email of August 6, 2020?

23 A. Can you flip back just so I can confirm?

24 Q. I can.

25 A. It does appear to be the same email. It's just



1 formatted differently.

2 Q. I apologize. When working with electronic  
3 records, they often go all kinds of sideways directions  
4 with regard to format.

5 A. Yes.

6 Q. Thank you for that. So there is only one other  
7 thing I want to -- we're going to go really quickly to  
8 one section. So as far as I can tell, there is only one  
9 section where they address the content of the journal,  
10 and that's in this section.

11 A. Let me review that.

12 Q. Absolutely. And if I can -- well, let me do  
13 something which I think will make our life easier.

14 A. Okay.

15 Q. Do you remember reading this section of the  
16 journal? I mean, excuse me, of the Ad Hoc Panel --

17 A. Yes.

18 Q. -- Report? And is it the kind of story that  
19 kind of stood out in your mind at the time?

20 A. I couldn't say that.

21 Q. Okay. But the story is here that Levi  
22 Walls -- and do you know who Levi Walls was?

23 A. I believe he was a graduate student associated  
24 with the journal.

25 Q. That he was sort of forced into Dr. Jackson's

1 car and told that it's not his job to censor people,  
2 right?

3 MS. QUIMBY: Objection, form.

4 A. It states, He stated that after raising  
5 concerns, he was taken into Dr. Jackson's car where  
6 Dr. Jackson told him it was not his job to censor people  
7 and told not to do it again.

8 Q. (By Mr. Allen) Did you think this was a  
9 significant finding by the ad hoc panel?

10 A. I don't know that I thought about it that way.  
11 I was primarily looking at the recommendations that the  
12 committee drew based on the evidence they reviewed.

13 Q. I've always been confused by this passage. So  
14 it says, Dr. Jackson told Levi Walls, one of the graduate  
15 students working as an editor on the journal, it's not  
16 his job to censor people, right?

17 MS. QUIMBY: Objection, form.

18 A. I don't understand what you're asking.

19 Q. (By Mr. Allen) Well, let me just read it into  
20 the record. The ad hoc panel repeats this story that  
21 Levi Walls was taken into Dr. Jackson's car where  
22 Dr. Jackson told him that it was not his job to censor  
23 people, right?

24 MS. QUIMBY: Objection, form.

25 A. That's the statement in the report.

1 Q. (By Mr. Allen) I'm just curious. At the  
2 University of North Texas, is it somehow the proper job  
3 of an editor of a journal to censor people?

4 MS. QUIMBY: Objection, form.

5 A. The way you've characterized it, that it is the  
6 responsibility of a journal editor to review the content  
7 of an article and make recommendations after having  
8 reviewed it.

9 Q. (By Mr. Allen) Well, apparently Levi Walls told  
10 them he was instructed not to censor people, right? Isn't  
11 that what you understand from this passage?

12 MS. QUIMBY: Objection, form.

13 A. That's what it states.

14 Q. (By Mr. Allen) Did you understand something  
15 different from what it states?

16 A. I draw no conclusion from that statement.

17 Q. So my question is at the University of North  
18 Texas, is it the job of editors to affirmatively censor  
19 people?

20 A. That's not an accurate statement.

21 Q. Okay. Thank you. Well, let me just clarify  
22 one last question about that because I didn't make a  
23 statement. I asked a question. But is your testimony  
24 that at the University of North Texas, it is not an  
25 accurate statement that editor's job -- the editor's job

1 is to censor people?

2 A. The way that's worded is very confusing.

3 Q. Well, your answer is confusing to me. That's  
4 why I'm trying to ask it again.

5 A. An editor --

6 Q. It would help -- can you answer my question yes  
7 or no? That would probably be the easiest way. At the  
8 University of North Texas --

9 A. No. Let me -- I hope I can answer this in a  
10 clear way.

11 Q. Sure.

12 A. The editor's job is to review the articles that  
13 are submitted and to make recommendations regarding those  
14 articles where applicable. That may mean further  
15 investigation or further explanation of a concept in  
16 those articles. It's not to censor but rather to make an  
17 article better and ready for publication.

18 Q. Okay. Thank you. Now, if there was evidence  
19 that Levi Walls was lying about this story, would that  
20 not be relevant to the investigatory process with the ad  
21 hoc panel?

22 A. I can't --

23 MS. QUIMBY: Objection, form.

24 A. I can't speak to Levi Walls beyond what's in  
25 this report.

1 Q. (By Mr. Allen) I'm not asking you to speak to  
2 Levi Walls. I'm asking you to speak to your standards of  
3 objectivity when you convened the ad hoc panel.  
4 Would it be consistent with the mission to investigate  
5 objectively to disregard evidence that Levi Walls lied  
6 about this incident?

7 MS. QUIMBY: Objection.

8 A. I don't -- I would need context to understand  
9 specifically what Levi Walls said in order to draw any  
10 specific conclusion.

11 Q. (By Mr. Allen) I'm not asking you to comment on  
12 the context. Let's assume that he was lying.

13 A. I'm not going to make any assumptions.

14 Q. You're not going to -- okay.

15 MR. ALLEN: I'm just going to say for the  
16 record, Mary, the more she does this, the more it makes  
17 it impossible to finish the deposition. But I'm going to  
18 go on --

19 (Cross-talk)

20 THE WITNESS: That's your choice.

21 MR. ALLEN: And if need be --

22 THE WITNESS: You can choose to take as  
23 long as you want.

24 MR. ALLEN: -- I'm going to move for more  
25 time from the court -- the court and ask that UNT pay

1 for it because this is incredibly unresponsive, the way  
2 she's answered questions the entire deposition. I'm just  
3 putting that on the record.

4 THE WITNESS: Are you going to move on to  
5 another question?

6 Q. (By Mr. Allen) No. Since you're insisting on  
7 evidence, we're going to go get some more evidence.

8 A. Okay. Are you calling this to a close --  
9 (Cross-talk)

10 Q. Is that fair?

11 A. -- or do you wish to --

12 Q. No.

13 A. -- continue the questioning?

14 Q. We're going to keep going.

15 A. Okay. Then ask your next question.

16 Q. Well, I've got to go the -- I wasn't  
17 anticipating that you would want this evidence just so  
18 you could answer a simple question, so I'm having to go  
19 get the evidence.

20 MR. ALLEN: Madam Court Reporter, what  
21 number of exhibit are up to now? Exhibit 11?

22 COURT REPORTER: Yes, sir. We are on 11.

23 MR. ALLEN: Sorry, President Cowley.  
24 We're almost there. I just have to keep track of the  
25 exhibits. So I'm marking as Exhibit 11 the deposition

1 transcript of Levi Walls that was taken on May 18th,  
2 2021.

3 (Deposition Exhibit No. 11 was marked)

4 Q. (By Mr. Allen) I'm going to represent to you  
5 that the following testimony that Levi Walls gave under  
6 oath, President Cowley, was about the car incident. So  
7 I'm just going to read this as it goes. Incidentally --  
8 the question:

9 There is -- there was an incident discussed by  
10 the ad hoc panel in which you apparently sat in Timothy  
11 Jackson's car and discussed censorship on the journal.

12 Do you remember that discussion?

13 Yes.

14 All right. Can you describe that meeting in its  
15 entirety?

16 I was on my way to the office which was in Bain.  
17 So I was crossing the parking lot, and we ran into each  
18 other.

19 And I don't remember what struck up the  
20 conversation. I'm sure it was either about analysis or  
21 the journal. And -- but it began to lightly snow, and he  
22 suggested we go into his car. I, of course, didn't  
23 object. And in the car, we talked about -- I know we  
24 talked about Suzanne Clark's contribution. And I think  
25 that's how we got onto the topic of just general

1 contributions that we didn't agree with.

2           So I'm just going to represent for the record  
3 that Suzanne Clark's contribution was very pro Ewell and  
4 affirmed Ewell's point of view. That's very significant  
5 as we go on.

6           And he, meaning Jackson, said that we shouldn't  
7 censor people's -- the contents of people's writing. And  
8 considering that this was the day after my exchange with  
9 Wiener -- Barry Wiener, another author -- I assumed that  
10 was in relation to that, as I was expecting to be  
11 approached about that communication.

12           Were you ever approached about your  
13 communications with Barry Wiener?

14           Not explicitly but I took this communication in  
15 the car to be directly related. And we discussed  
16 censorship before. And you said to me, you know, at  
17 least at that time agreed that it wasn't the job of the  
18 editor to censor the authors, correct?

19           The answer of Levi Walls: I told him I agreed. I  
20 didn't actually agree. I just said that I agreed because  
21 that was what he wanted.

22           So you lied, in other words?

23           Yes.

24           And Suzanne Clark, was that the name of the  
25 author you remember discussing directly?



1 Answer: Yes.

2 Was she pro or anti Ewell?

3 She was pro Ewell.

4 So this discussion about censorship you had in  
5 the car was actually about Suzanne Clark and not about  
6 Barry Wiener.

7 Am I understanding that correctly?

8 It started out about Suzanne Clark.

9 And the way I remember the conversation, it  
10 tilted more about the responses in general.

11 Did I read that all correctly?

12 A. Yes. I believe you read that all correctly.

13 Q. So did you see that Levi Walls admitted that he  
14 lied?

15 MS. QUIMBY: Objection, form.

16 A. What comes across is that he felt uncomfortable  
17 telling his faculty supervisor his true opinion.

18 Q. (By Mr. Allen) Did you see that they were  
19 talking about Levi Walls bringing up a pro Ewell author  
20 and Timothy Jackson told him not to censor a pro Ewell  
21 author?

22 MS. QUIMBY: Objection, form.

23 Q. (By Mr. Allen) Is that what you took away from  
24 that?

25 MS. QUIMBY: Objection, form.

1           A.     I was not paying attention to the pro or anti.  
2 I was focused on the exchange.

3           Q.     (By Mr. Allen) You asked for the context, and  
4 here is the context.

5           A.     Yes. I understand.

6           Q.     And he says on Line 25 of Page 97:

7                         So you lied in other words -- the  
8                         question.

9                         And on Line 1 of Page 98 of the deposition, he  
10 says:

11                         Yes.

12          A.     Yes. I see that.

13          Q.     Does it not matter to you that Levi Walls was  
14 lying?

15                         MS. QUIMBY: Objection, form.

16          A.     I don't understand how this is directly  
17 relevant to the recommendations of the committee. What  
18 are you trying to ask me?

19          Q.     (By Mr. Allen) Well, you just answered my  
20 question. You don't consider the fact that Levi walls  
21 was lying about the incident in the car to be relevant to  
22 the panel's decision, correct?

23                         MS. QUIMBY: Objection, form.

24          A.     What I take away is that Mr. Walls shared with  
25 the panel his concerns about the content of pieces, that

1 he raised concerns taken into Dr. Jackson's cars.  
2 Dr. Jackson told him he was not to censor people which  
3 was in the context of what you just shared. And that  
4 largely the content in here is accurate, but there is a  
5 point which is not accurate.

6 Q. (By Mr. Allen) And the point that's not  
7 accurate you consider not to be relevant to the  
8 investigation. Is that your testimony?

9 A. No. I did not say that.

10 Q. Okay.

11 MR. ALLEN: I'm going to mark the next  
12 exhibit at this time. I think we're on Exhibit 12,  
13 correct?

14 COURT REPORTER: Yes, sir.

15 MR. ALLEN: Thank you, ma'am.

16 Marking Exhibit 12 for the record, a  
17 letter of November 30th, 2020.

18 (Deposition Exhibit No. 12 was marked)

19 Q. (By Mr. Allen) Do you recognize this  
20 document --

21 A. I do recognize --

22 Q. -- Exhibit 12?

23 A. -- this document.

24 Q. You sent this document to Dr. Jackson on  
25 November 30th, 2020?

1 A. Yes.

2 Q. And you're writing to share the recommendations  
3 of the ad hoc panel, correct?

4 A. Correct.

5 Q. The recommendations were what, according to  
6 your letter?

7 A. That they're in the attached report.

8 Q. Okay. And you summarize the charge to the  
9 panel in the second paragraph of this letter?

10 A. Correct.

11 Q. Was that meant to stand as an accurate  
12 representation of the charge that we just examined which  
13 was attached as an exhibit to the ad hoc panel report?

14 MS. QUIMBY: Objection, form.

15 A. Recall that that was a letter to convene the  
16 committee. It was not the statement of the charge.  
17 That letter said that the charge would be issued in  
18 the -- in the meeting.

19 Q. (By Mr. Allen) Is there any document that  
20 reflects the charge?

21 A. The committee report provides a brief summary  
22 of the charge but does not go into this level of depth.

23 Q. So under their section of the charge, right,  
24 they attached Exhibit 1 which was your email of  
25 August 6, 2020, right?

1 MS. QUIMBY: Objection, form.

2 A. Correct. I believe they also -- that they made  
3 reference to that, but I don't remember the exact details  
4 of what they wrote in that particular section.

5 Q. (By Mr. Allen) Did you take issue with anyone  
6 on the ad hoc panel that they did not include the actual  
7 charge and only include your email of August 6, 2020?

8 A. No. I didn't request changes to their report.

9 Q. So there is no record of, I guess, what you  
10 consider an error of correcting that error?

11 MS. QUIMBY: Objection, form.

12 A. I didn't consider it an error.

13 Q. (By Mr. Allen) Okay. Looking at the third  
14 paragraph, you say, The panel has produced the report  
15 with findings, right?

16 A. Correct.

17 Q. And then you request that Timothy Jackson, as  
18 the director for the -- of the Center for Schenkerian  
19 Studies, develop a plan to address the recommendations by  
20 December 18th and submit that plan to Benjamin Brand and  
21 Dean John Richmond for review and approval.

22 Did I summarize that correctly?

23 A. You did.

24 Q. And so the deadline was December 18th, 2020?

25 A. Correct.

1 Q. Do you recall Timothy Jackson meeting that  
2 deadline?

3 A. I do not recall. I know that there was some  
4 back and forth between he and Dr. Brand, but I don't  
5 recall the details.

6 Q. Timothy Jackson was invited to respond as  
7 Director of the Center for Schenkerian Studies to the Ad  
8 Hoc Panel Report, correct?

9 A. This letter tells him he can communicate with  
10 his department chair and dean about a plan to respond to  
11 the recommendations.

12 Q. Do you know of any other time before this that  
13 Timothy Jackson was invited to respond to the Ad Hoc  
14 Panel Report?

15 A. No, not that I'm aware of or recall.

16 Q. Okay. So it's only after the conclusions of  
17 the ad hoc panel that he was invited to respond?

18 MS. QUIMBY: Objection, form.

19 A. He was not invited to respond. He was invited  
20 to develop a plan to address the recommendations.

21 Q. (By Mr. Allen) And you think that's different  
22 from a (inaudible). Is that your testimony today?

23 A. You cut out.

24 Q. I said your testimony -- I'm sorry that I cut  
25 out, but I'll just rephrase it. So your testimony today

1 is that the invitation to provide a, quote, "plan" is  
2 different from an invitation to provide a response?  
3 That's your testimony today?

4 MS. QUIMBY: Objection, form.

5 A. The -- it depends on what his plan looks like.  
6 If he had particular concerns related to the  
7 recommendations and wanted to provide an alternative,  
8 that would be for him to discuss with he and the chair.

9 Q. (By Mr. Allen) Did you ever read the response  
10 of Timothy Jackson?

11 A. I don't recall if I saw that or not.

12 Q. The Ad Hoc Panel Report was put up on UNT's  
13 webpage, right?

14 A. Yes.

15 Q. And it's still there to this day, to the best  
16 of your knowledge?

17 A. I have no knowledge of whether it's there or  
18 not at this time.

19 Q. Was it there the entire time you were provost?

20 A. No. Because I was provost before this -- the  
21 committee report was issued.

22 Q. Oh, that's a good point. Of course, I mean  
23 during your tenure as provost, as soon as the report was  
24 put online, it remained there for the entire time you  
25 remained at the University of North Texas?

1           A.     I'm not sure if it was taken down during that  
2 time or not, but I know that I requested that it be  
3 posted online.

4           Q.     Did you ever post Timothy Jackson's response to  
5 the ad hoc panel online?

6           A.     I did not, no.

7           Q.     Is there any reason you did not?

8                   MS. QUIMBY: Objection.

9           A.     This was a university report. It was made  
10 available. There was no obligation or expectation that  
11 we would provide any others' viewpoints or perspectives  
12 and post those online.

13          Q.     (By Mr. Allen) Was it a decision you made ahead  
14 of time not to post Timothy Jackson's response to the Ad  
15 Hoc Panel Report?

16                  MS. QUIMBY: Objection, form.

17          A.     I had no knowledge that he would or would not  
18 produce a response to the report. It's very common that  
19 committee reports were posted online, and this ad hoc  
20 task force report was posted online.

21          Q.     (By Mr. Allen) And you only invited him here on  
22 November 30th to develop a, quote, "plan" to address the  
23 recommendations, right?

24                  MS. QUIMBY: Objection.

25          A.     Correct.



1 Q. (By Mr. Allen) And you didn't -- whatever you  
2 call that, a plan, I don't really mind if you call it a  
3 plan or response. But you didn't have any intention of  
4 posting that online, right?

5 A. No. At this point, this matter moved from the  
6 provost's office to the department office.

7 Q. Meaning it was under the responsibility of  
8 Benjamin Brand?

9 A. Correct. To work with Benjamin Brand and Dean  
10 Richmond and Dr. Jackson to develop a -- to implement the  
11 recommendations or develop a plan that was responsive to  
12 those recommendations.

13 Q. Do you know what Benjamin Brand did about the  
14 Ad Hoc Panel Report?

15 A. I'm aware that he reviewed it and had a  
16 discussion with Dr. Jackson.

17 Q. Did he discuss that with you as well?

18 A. Discuss what?

19 Q. The conversation he had with Dr. Jackson about  
20 the report that you just mentioned.

21 A. I don't recall.

22 Q. Is that the kind of thing he would have  
23 discussed with his provost?

24 MS. QUIMBY: Objection, form.

25 A. A department chair has limited conversations

1 with the provost. Typically conversations are with the  
2 dean because the dean directly reports to me. There were  
3 on occasions opportunities for Dr. Brand and  
4 Dr. Richmond to discuss matters, but I don't recall any  
5 details following the issuance of the report.

6 Q. (By Mr. Allen) Before we go on, did you talk to  
7 Dean Richmond about the consequences of the Ad Hoc Panel  
8 Report?

9 MS. QUIMBY: Objection, form.

10 A. What do you mean by consequences?

11 Q. (By Mr. Allen) What was going to be done.  
12 What was going to be implemented. Did you ever talk to  
13 Dean Richmond about that?

14 A. Dean Richmond let me know that -- that  
15 Dr. Brand had had a conversation that they had asked for  
16 this plan, and he talked to me about some next steps.

17 Q. What were the next steps that Dean Richmond  
18 discussed with you?

19 MS. QUIMBY: Objection, form. I'm sorry.

20 A. He mentioned whether or not Dr. Jackson would  
21 be the editor or not or what changes might occur in the  
22 journal.

23 Q. (By Mr. Allen) Had any concrete steps that he  
24 indicated to you had been decided?

25 A. I don't recall specifics.

1 Q. Okay. Do you recall more or less the date of  
2 this discussion?

3 A. It seems to me it would have been in December  
4 or January.

5 Q. Okay. Did he discuss with you the reaffirmed  
6 commitment to combating racism?

7 MS. QUIMBY: Objection, form.

8 A. We did not have a discussion about that.

9 MR. ALLEN: I'm going to mark as Exhibit  
10 13 an email from Benjamin Brand to Timothy Jackson dated  
11 December 11, 2020, for the record.

12 THE WITNESS: Is it possible to make that  
13 just a little bit larger?

14 MR. ALLEN: Yes. If you could give me  
15 just one second. Just making sure I don't get my  
16 exhibits mixed up again.

17 Madam Court Reporter, we're on the Exhibit  
18 13, correct?

19 COURT REPORTER: Yes. The one you're  
20 marking now is Exhibit 13.

21 MR. ALLEN: Thank you.

22 (Deposition Exhibit No. 13 was marked)

23 Q. (By Mr. Allen) So let me see if I can expand  
24 this for you, President Cowley. Is that better?

25 A. Yes. That's better.

1 Q. And just to make sure I'm not hiding anything  
2 from you, I'll represent to you that this was already  
3 introduced as a court document as an exhibit. That's why  
4 it has this stuff on here.

5 A. Okay.

6 Q. I don't want you to think there is a page I'm  
7 not showing you. Okay? This is, so far as I know, the  
8 whole email. Now, I know you're not on this email, so I  
9 don't expect you to know about it. But I am going to ask  
10 you if you were aware of this email on December 11, 2020?

11 A. I'm still reading the email.

12 Q. Okay. Go ahead.

13 A. Okay. I'm sorry. What was your question?

14 Q. Were you aware of this email?

15 A. I don't know that I was aware of the email. I  
16 was aware that there was a meeting that was going to  
17 happen between Dr. Brand and Dr. Jackson.

18 Q. And you don't -- were you aware of the outcome  
19 of the meeting?

20 A. There were several outcomes that were discussed  
21 in this particular -- potential outcomes that were  
22 discussed in this email. Is there one in particular  
23 you're interested in?

24 Q. So I'm just trying to find out what you at the  
25 time understood as the outcomes that were implemented at

1 the meeting between Benjamin Brand and Timothy Jackson on  
2 December 11, 2020.

3 A. So I was aware that there was a conversation  
4 and there was a discussion about how editorial duties  
5 might be handled moving forward.

6 Q. Do you know what -- beyond that general level,  
7 do you know concretely what was the outcome? What  
8 administrative action was proposed at the meeting?

9 MS. QUIMBY: Objection, form.

10 A. From reading this email, it looks like there  
11 were several different potential outcomes that were  
12 discussed, and so I just knew that there were discussions  
13 of options.

14 Q. (By Mr. Allen) And one of the options was  
15 Number 3 which was a non-option, right? Benjamin Brand  
16 says, I cannot support a plan according to which you  
17 would remain involved in the day-to-day operations of the  
18 journal and its editorial process in particular, given  
19 the panel's findings of editorial mismanagement of the  
20 acronym JSS.

21 Did I read that correctly?

22 A. You did read that correctly.

23 Q. And you understood JSS is an acronym for  
24 Journal of Schenkerian Studies, right?

25 A. Yes. I assume that's the acronym.

1 Q. So did you understand by that, as you sit here  
2 today, that Timothy Jackson was going to be removed from  
3 the JSS?

4 A. What I read from this is that there are several  
5 different options that could include housing the journal  
6 elsewhere, starting a new journal, finding an editor and  
7 chief, that several different options were outlined. I  
8 don't know what the choice was in terms of the -- at this  
9 time from that meeting.

10 Q. So you find that language ambiguous: I cannot  
11 support a plan according to which you would remain  
12 involved in the day-to-day operations of the journal?

13 MS. QUIMBY: Objection, form.

14 A. As I read that, I hear the chair saying that  
15 keeping the journal as it is and having him as the editor  
16 would not be acceptable to Dr. Brand.

17 Q. (By Mr. Allen) Okay. Are you aware that the  
18 Journal of Schenkerian Studies has never published again?

19 A. I was not aware of that. I was aware that  
20 there was a call for editors.

21 Q. Were you aware that Dean Richmond testified in  
22 open court that the journal had been, quote, "put on  
23 ice," closed quote?

24 A. No. I was not aware of that.

25 Q. Well, I think I know the answer to this, but I

1 want to ask you anyway. Did you direct the University of  
2 North Texas press to cease publication of the journal?

3 A. I did not.

4 Q. Okay. And this -- okay. I think that will  
5 probably be the last exhibit but -- and I only have one  
6 more series of questions, and it might be the last  
7 question. Did you have anything to do with the committee  
8 allegedly formed to reconstitute the journal at the  
9 University of North Texas?

10 MS. QUIMBY: Objection, form.

11 A. I have no knowledge of a committee to  
12 resubstitute the journal.

13 Q. (By Mr. Allen) Let me put it in a different way  
14 just to make sure we understand what we're talking about.  
15 You were aware that a committee was formed to look for a  
16 new editor of some sort?

17 MS. QUIMBY: Objection, form.

18 A. I don't know that I knew it was a committee.  
19 I knew there was an effort to find an editor for the  
20 journal and some kind of call for nominations for  
21 editors.

22 Q. (By Mr. Allen) And did you have anything to do  
23 with that as provost is my question?

24 A. I was informed that this was a planned action.

25 Q. But it wasn't something your office was

1 involved in directly?

2 A. No.

3 Q. Did you have --

4 A. Once the report was issued, the actions to move  
5 forward were delegated to the department.

6 Q. Okay.

7 MR. ALLEN: Okay. I think I'm going to  
8 pass the witness then, Mary, and you can go ahead and --  
9 I'm going to take this down too. Excuse me. Do you want  
10 to take a break or --

11 MS. QUIMBY: Yeah. Can we just take five,  
12 please?

13 MR. ALLEN: Absolutely.

14 VIDEOGRAPHER: Off the record, 2:53.

15 (Recess taken from 2:53 to 2:57)

16 VIDEOGRAPHER: On the record, 2:57 p.m.

17 MS. QUIMBY: Thank you. I will reserve my  
18 questions for trial.

19 MR. ALLEN: Okay. President Cowley, thank  
20 you so much for spending the time today sitting for  
21 deposition.

22 COURT REPORTER: Ms. Quimby, do you want  
23 to purchase a transcript?

24 VIDEOGRAPHER: Off the record.

25 COURT REPORTER: We are still on --



1 MS. QUIMBY: I'm sorry?

2 COURT REPORTER: We are still on the  
3 record.

4 Do you want to purchase a transcript?

5 MS. QUIMBY: Yes, please.

6 COURT REPORTER: Okay. I don't know if I  
7 need to ask Boseman and Stowers. So if you guys are  
8 there and want a transcript, you need to speak up now.

9 MR. BOSEMAN: No, I do not. This is  
10 Shelby Boseman. No. Thank you.

11 MR. STOWERS: And no, I do not. This is  
12 Renaldo Stowers.

13 VIDEOGRAPHER: You done, Carla?

14 COURT REPORTER: Yes.

15 VIDEOGRAPHER: Off the record, 2:58.

16 (Time 2:58 p.m.)

17 (End of deposition)

18

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20

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22

23

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PAGE	LINE	CHANGE	REASON
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1 \_\_\_\_\_  
2 \_\_\_\_\_  
3  
4 I, JENNIFER COWLEY, have read the foregoing  
5 deposition and hereby affix my signature that same is  
6 true and correct except as noted above.  
7

8 \_\_\_\_\_  
9 JENNIFER COWLEY

10 THE STATE OF \_\_\_\_\_ }  
11 COUNTY OF \_\_\_\_\_ }

12 Before me, \_\_\_\_\_, on this day  
13 personally appeared JENNIFER COWLEY, known to me (or  
14 proved to me under oath or through \_\_\_\_\_)  
15 (description of identity card or other document) to be  
16 the person whose name is subscribed to the foregoing  
17 instrument and acknowledged to me that they executed the  
18 same for the purposes and consideration therein  
19 expressed.  
20

21 Given under my hand and seal of office this the  
22 \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
23

24 \_\_\_\_\_  
25 NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION

4 TIMOTHY JACKSON,

5 Plaintiff,

6 VS.

7 LAURA WRIGHT, ET AL.,

8 Defendants.

\*  
\*  
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\*

CASE NO. 4:21-CV-00033-ALM

9 REPORTER'S CERTIFICATION

10 ORAL AND VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
11 JENNIFER COWLEY  
12 SEPTEMBER 26, 2024  
13

14 I, CARLA A. SIMS, AAS, CSR, RPR, in and for the  
15 State of Texas, hereby certify to the following:

16 That the witness, JENNIFER COWLEY, was duly sworn by  
17 me and that the transcript of the oral deposition is a  
18 true record of the testimony given by the witness;

19 I further certify that pursuant to FRCP Rule  
20 30(f)(1) that the signature of the deponent:

21 \_\_XX\_\_ was requested by the deponent or a party  
22 before the completion of the deposition and is to be  
23 returned within 30 days from date of receipt of the  
24 transcript.

25 If returned, the attached Signature and Corrections

1 pages contain any changes and the reasons therefor;

2 \_\_\_\_\_ was not requested by the deponent or a party  
3 before the completion of the deposition.

4 That the deposition transcript was submitted on  
5 October 30, 2024, to Ms. Mary Quimby, attorney for the  
6 witness, for examination, signature, and return to me by  
7 the 2nd day of December, 2024;

8 That the amount of time used by each party at the  
9 deposition is as follows:

10	Mr. Michael Thad Allen.....	04 HOURS:38 MINUTES
11	Ms. Mary Quimby.....	00 HOURS:00 MINUTES
12	Mr. Renaldo L. Stowers.....	00 HOURS:00 MINUTES
13	Mr. Shelby Boseman.....	00 HOURS:00 MINUTES

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8 I further certify that I am neither counsel for,  
9 related to, nor employed by any of the parties or  
10 attorneys in the action in which this proceeding was  
11 taken. Further, I am not a relative or employee of any  
12 attorney of record in this cause, nor am I financially or  
13 otherwise interested in the outcome of the action.

14 Certified to by me this the 14th day of October,  
15 2024.

16 \_\_\_\_\_  
17 Carla A. Sims, AAS, RPR  
18 Texas CSR No. CSR-6125  
19 Expiration Date: 04-30-26  
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25 Firm registration No. 436  
Firm registration Expires 5-31-25

FURTHER CERTIFICATION  
DEPOSITION OF JENNIFER COWLEY

The original deposition was/was not returned to the deposition officer on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to Mr. Michael Thad Allen, Custodial Attorney;

That \$\_\_\_\_\_ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and any copies of exhibits;

Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

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Firm registration No. 436  
Firm registration Expires 5-31-25

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